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FO#2331850

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Newspaper Articles Regarding Inmate Avila

COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT
A Tradition of Service

DATE: March 17, 2014
FILE NO:

OFFICE CORRESPONDENCE

FROM: BOBBY D. DENHAM, COMMANDER
NORTH PATROL DIVISION

TO: ALICIA E. AULT, CAPTAIN
INTERNAL AFFAIRS BUREAU

SUBJECT: EXECUTIVE FORCE REVIEW COMMITTEE FINDINGS:

Case Number:	FO2331850/IV2349167
Incident:	Significant Force
Incident Date:	March 29, 2013
Unit:	Men's Central Jail
Suspect:	Daniel Avila, MW/06-01-79
Involved Employees:	Sergeant Jose Rojas, #[redacted] Deputy Patrick Allen, #[redacted] Deputy [redacted] #[redacted] Deputy [redacted] #[redacted] Deputy Daniel Martinez, #[redacted] Deputy [redacted] #[redacted] Deputy Blake Orlandos, #[redacted] Deputy [redacted] #[redacted] Deputy Frank Quintana, #[redacted] Deputy Sonny Solomua, #[redacted]
EFRC Date:	March 13, 2014

The Executive Force Review Committee (EFRC) consisting of Commanders Bobby Denham, Stephen Johnson, and Ralph Webb met and reviewed the above case.

FORCE POLICY RELATING TO INCIDENT:

Law enforcement officers are entitled to use the amount of force that is reasonable and necessary to make an arrest, prevent an escape, or overcome resistance.

FINDINGS:

A Men's Central Jail (MCJ) deputy was working inside Module 1750 at MCJ. He responded to Row E of 1750 and began conducting the shower time for the inmates housed there.

Module 1750 houses inmates that have been classified as "K-10." Inmates housed in 1750 have a propensity for violence, and are considered a constant danger to both staff and other inmates. All inmates in the module are housed in single man cells. During the shower time, inmates are given their time to shower one at a time. The inmates must be handcuffed prior to exiting their cell, and escorted.

The deputy approached cell number six, which was occupied by Inmate Daniel Avila (suspect). The deputy asked the inmate if he desired to take a shower, and the inmate responded that he did. The deputy opened the cell gate tray slot, which is utilized for handcuffing the inmates. As the deputy opened the tray slot, the inmate retrieved an orange juice carton containing a fluid with a strong odor of urine. The inmate threw the fluid on the deputy, striking him on the chest, stomach and groin area. The inmate attempted to retrieve an additional juice carton, at which point the deputy sprayed him with Oleoresin Capsicum (OC). The deputy's force was effective, as the inmate retreated to the rear of his cell.

Due to the deputy's use of OC, the on duty watch commander (lieutenant) initiated a "use of force" review, which necessitated an interview with the inmate. The lieutenant responded to the inmate's cell in order to conduct the interview. During the interview, the inmate told the lieutenant he was in possession of a weapon, and if given the chance would use it against deputy personnel.

Due to the inmate's behavior, the Custody Operations commander also responded to the inmate's cell and interviewed him. Based on the information obtained, coupled with their observations, the supervisory staff concluded the inmate would need to be moved to the Twin Towers Correctional Facility (TTCF).

Based on the assessment and decision made by the MCJ supervisory staff to move the inmate, the Jail Mental Evaluation Team staff (JMET) were asked to interview and assess the inmate's mental condition. A senior mental health counselor responded to the inmate's cell and attempted to conduct an interview. The counselor concluded that the inmate exhibited behavior that was "highly disturbed," and recommended the inmate be moved to TTCF where he would receive the psychiatric treatment he needed. The care the inmate requires was unavailable at MCJ.

The supervisory staff contacted the inmate and advised him of the need to move him to TTCF. He was asked on several occasions to voluntarily cooperate and submit to the move, which would avoid a calculated cell extraction. The inmate refused to cooperate, necessitating the plan to forcefully move him (extract) from his cell.

A MCJ sergeant was contacted and tasked with initiating a plan to remove the inmate from his cell. The sergeant formulated a plan, formed an extraction team consisting of several deputies, and conducted a briefing for the involved personnel. During the briefing, the sergeant relayed all the information that had been obtained by the supervisory personnel and explained the need to move the inmate. Assignments were also given and the execution plan was discussed.

At the conclusion of the briefing, the sergeant and the extraction team responded to the E Row of Module 1750. The team approached the inmate's cell and advised him that he needed to be moved to TTCF. The inmate was again given an opportunity to voluntarily submit to the move by allowing the deputies to handcuff him, but the inmate refused to cooperate, necessitating that the team initiate the extraction.

The extraction team deployed OC spray into the inmate's cell in an attempt to get him to surrender; however, due to the Plexiglas affixed to the cell bars and the blankets the inmate hung on the cell bars, the OC was ineffective. The OC was used several times, but had negative results, as the inmate refused to surrender and allow the deputies to handcuff him. Seeing that the deployment of OC was proving difficult, the sergeant ordered the cell door be slightly opened. The goal was to provide the team more access into the cell.

When the cell door was slightly opened, the inmate utilized his weight and size, and pushed the gate completely opened. The inmate exited the cell, attacking the deputies with a jail made edged weapon (shank) he had in his right hand. The inmate swung his right hand at several of the deputies, striking them with the shank. Two deputies carrying protective shields attempted to push the suspect back, but were unsuccessful and were attacked in the process.

The sergeant directed one of the team members to fire the 40mm ARWEN at the inmate. The ARWEN was fired twice, but was ineffective as the inmate continued his assault. The sergeant and team members took hold of the inmate and began taking him down to the floor. The sergeant also directed a team member to utilize the TASER on the inmate.

The team was able to take the inmate to the floor, but he landed with his right hand free and unrestrained. The team members ordered the suspect to surrender his right hand, but he refused. The team members were able to control the suspect's left hand and placed handcuffs on it. Fearing that the

suspect still controlled the shank in his right hand, the sergeant directed the deputy to activate the TASER again. The inmate continued to struggle and resist the deputies' efforts to restrain him.

With the use of the TASER, Hobble Restraint, and personal weapons, the deputies were finally able to restrain and handcuff the inmate. The inmate was removed from the row and immediately taken to the MCJ Clinic. He was subsequently transported to the Los Angeles County Medical Center (LCMC) and treated for his injuries. During treatment, it was discovered the inmate had sustained a broken left arm. Several team members also sustained injuries during the incident and transported to a local hospital and treated.

The EFRC initially heard the case on January 23, 2014, and determined further investigation was needed for possible Performance to Standards violations against Deputy [redacted] and Sergeant Jose Rojas. On March 13, 2014, the EFRC reviewed the additional information provided by the Internal Affairs investigator and determined the force used against the suspect was within Department Policy. The EFRC also determined the tactics used were within Department Policy.

The EFRC deemed as **Unfounded** the allegation that the tactics used by Deputy [redacted] #[redacted] and Sergeant Jose Rojas, #[redacted] were in violation of the Department's Manual of Policy and Procedures, Section(s) 3-01/050.10, Performance to Standards.

RECOMMENDATIONS:

The EFRC recommended the unit commander, Captain Daniel J. Dyer, and Chief Eric G. Parra, conduct a formal leadership debriefing with Sergeant Jose Rojas regarding the unique circumstances of this incident.

BDD:JER:jer

Los Angeles County Sheriff's Department

Supervisor's Report on Use of Force

Incident Information

URN: 013-00316-5100-057		Date: 03/29/13	Time: 1410
Location: Men's Central Jail		City or Station: Los Angeles	
Bureau/Station/Facility: Custody		Admin. Investigation: ○ YES ◉ NO	
Type of Force: Significant			
Incident Category: ○1 ○2 ◉3	Deputy Injury: ◉ YES ○ NO	Suspect Injury ◉ YES ○ NO	
☐ Call	☐ Observation	☒ Detail	☐ Foot Pursuit ☐ Vehicle Pursuit
IAB Notified: ◉YES ○ NO	Person Notified: Lt. Todd Weber	Emp: [redacted]	IAB Roll Out ◉ YES ○ NO

Involved Employee

E1

Employee #	Last Name	First Name	Middle I.	Rank
[redacted]	Rojas	Jose		Sgt

Sex:	Race:	Height:	Weight:	Age:	Shift:	
◉ M ○ F	H	509	200	[redacted]	○ EM ◉ Day ○ PM	○ Regular Shift [redacted] OT Shift ○ Off Duty

Unit of Assignment: Men's Central jail

Work Assignment (Unit #, Module, etc.): Cell Extraction Team

Individual Force Used: See Attached — ◉ Directed ○ Rescue ○ Medical Assist — Individual Category ○1 ○2 ◉3

☐ Injured ☐ Treated ☐ Admitted Facility: ______ Coroner Case #

E2

Employee #	Last Name	First Name	Middle I.	Rank
[redacted]	Allen	Patrick		Deputy

Sex:	Race:	Height:	Weight:	Age:	Shift:	
◉ M ○ F	B	600	220	[redacted]	○ EM ◉ Day ○ PM	○ Regular Shift ◉ OT Shift ○ Off Duty

Unit of Assignment: Men's Central Jail

Work Assignment (Unit #, Module, etc.): Cell Extraction Team

Individual Force Used: See Attached — ◉ Directed ○ Rescue ○ Medical Assist — Individual Category ○1 ○2 ◉3

☐ Injured ☐ Treated ☐ Admitted Facility: ______ Coroner Case #

E3

Employee #	Last Name	First Name	Middle I.	Rank
[redacted]	[redacted]	[redacted]		Deputy

Sex:	Race:	Height:	Weight:	Age:	Shift:	
◉ M ○ F	M	601	195	[redacted]	○ EM ◉ Day ○ PM	○ Regular Shift ◉ OT Shift ○ Off Duty

Unit of Assignment: Men's Central Jail

Work Assignment (Unit #, Module, etc.): Cell Extraction Team

Individual Force Used: See Attached — ◉ Directed ○ Rescue ○ Medical Assist — Individual Category ○1 ○2 ◉3

☐ Injured ☐ Treated ☐ Admitted Facility: ______ Coroner Case #

On Duty Supervisor

☐ Additional Involved Employees

Emp #	Last Name	First Name	Middle I.	Rank	Present	Witness to Incident
[redacted]	Rojas	Jose		Sgt	YES ◉ NO ○	YES ◉ NO ○

Supervisor Completing Investigation

Emp #	Last Name	First Name	Middle I.	Rank	Present	Witness to Incident
[redacted]	Flores	Carlos	E.	Sgt.	YES ○ NO ◉	YES ○ NO ◉

Watch Commander / Supervising Lieutenant

Emp #	Last Name	First Name	Middle I.	Rank
[redacted]	[redacted]	[redacted]		[redacted]

Watch Commander / Supervising Lieutenant's **Signature:** ______ Date ______ Copy Provided to Employee by: ______ Emp #: ______

Unit Commander **(Print Name)** ______ Unit Commander's **Signature**: ______ Emp #: ______ Date ______

DISCOVERY Use Only
FO# 2331850

☐ PPI REVIEW COMPLETED

Original: Discovery Unit
Copy: Unit Commander

SH-R-438P (Rev. 01/13)

Supervisor's Report on Use of Force
SUSPECT INFORMATION

013 - 00316 - 5100 - 057

Suspect Information

S 1

Last Name	First Name	Middle Name	Armed? Select
Avila	Daniel		Other Weapon: Edged

AKA Last Name: | First Name: | Middle Name:

Sex	Race	Age	Height	Weight	D.O.B.	Phone #1: ○ H ○ W ○ C	Phone #2: ○ H ○ W ○ C
(●) Male ○ Female	W	35	604	322	06-01-79	[redacted]	[redacted]

Street Address: L.A. County Jail Inmate | City: Los Angeles | State & Zip Code:

Booking #: 2859317 | Primary Charge Code: 664/187 | Secondary Charge Code: 245(c) | [redacted] Criminal History

Treated on Scene? (●) YES ○ NO | Name: Dr. S. Little | Unit: MCJ | Phone #: 213 893-5542

Hospital Admission? ☐ | Rec'd Treatment At: LCMC | Coroner Case #: | Mental History ☒ User's guide provides direction on this entry

By: Dr. Laura Andrews | Address: 1200 N. State Street | Phone #: 323 226-2622

Under Influence: ○ YES (●) NO | Substance: | 5150 a factor in force? (●) YES ○ NO User's guide provides direction on this entry

Suspect Interview

Date: 05-29-13 | Time: 1235 | ☒ Audiotape: | ☒ Videotape: | ☒ Photos of Injuries: | ☐ ADMITS HEARING ANNOUNCEMENTS

Suspect Information

S __

Last Name: | First Name: | Middle Name: | Armed? Select:

AKA Last Name: | First Name: | Middle Name:

Sex: ○ Male ○ Female | Race: | Age: | Height: | D.O.B. | Weight: | Phone #1: ○ H ○ W ○ C | Phone #2: ○ H ○ W ○ C

Street Address: | City: | State & Zip Code:

Booking #: | Primary Charge Code: | Secondary Charge Code: | ☐ Criminal History

Treated on Scene? ○ YES ○ NO | By: | Unit: | Phone #:

Hospital Admission? ☐ | Rec'd Treatment At: | Coroner Case #: | Mental History ☐ User's guide provides direction on this entry

By: | Address: | Phone #:

Under Influence: ○ YES ○ NO | Substance: | 5150 a factor in force? ○ YES ○ NO User's guide provides direction on this entry

Suspect Interview

Date: | Time: | ☐ Audiotape: | ☐ Videotape: | ☐ Photos of Injuries: | ☐ ADMITS HEARING ANNOUNCEMENTS

Suspect Information

S __

Last Name: | First Name: | Middle Name: | Armed? Select:

AKA Last Name: | First Name: | Middle Name:

Sex: ○ Male ○ Female | Race: | Age: | Height: | D.O.B. | Weight: | Phone #1: ○ H ○ W ○ C | Phone #2: ○ H ○ W ○ C

Street Address: | City: | State & Zip Code:

Booking #: | Primary Charge Code: | Secondary Charge Code: | ☐ Criminal History

Treated on Scene? ○ YES ○ NO | By: | Unit: | Phone #:

Hospital Admission? ☐ | Rec'd Treatment At: | Coroner Case #: | Mental History ☐ User's guide provides direction on this entry

By: | Address: | Phone #:

Under Influence: ○ YES ○ NO | Substance: | 5150 a factor in force? ○ YES ○ NO User's guide provides direction on this entry

Suspect Interview

Date: | Time: | ☐ Audiotape: | ☐ Videotape: | ☐ Photos of Injuries: | ☐ ADMITS HEARING ANNOUNCEMENTS

☐ **Additional Suspects Involved**

Supervisor's Report on Use of Force
INVOLVED EMPLOYEE - Continuation

0	1	3	-	0	0	3	1	6	-	5	1	0	0	-	0	5	7

Involved Employee

E4

Employee #	Last Name	First Name	Middle I.	Rank
[redacted]	[redacted]	[redacted]		Deputy

Sex:	Race:	Height:	Weight:	Age:	Shift:	
(●) M ( ) F	H	509	170	[redacted]	( ) EM (●) Day ( ) PM	( ) Regular Shift (●) OT Shift ( ) Off Duty

Unit of Assignment:	Work Assignment (Unit #, Module, etc.):
Men's Central Jail	Cell Extraction Team

Individual Force Used:		Individual Category
See Attached	(●) Directed ( ) Rescue ( ) Medical Assist	( ) 1 ( ) 2 (●) 3

☐ Injured	☐ Treated	☐ Admitted	Facility:	Coroner Case #

E5

Employee #	Last Name	First Name	Middle I.	Rank
[redacted]	Martinez	Daniel		Deputy

Sex:	Race:	Height:	Weight:	Age:	Shift:	
(●) M ( ) F	H	508	175	[redacted]	( ) EM (●) Day ( ) PM	( ) Regular Shift (●) OT Shift ( ) Off Duty

Unit of Assignment:	Work Assignment (Unit #, Module, etc.):
Men's Central Jail	Cell Extraction Team

Individual Force Used:		Individual Category
See Attached	(●) Directed ( ) Rescue ( ) Medical Assist	( ) 1 ( ) 2 (●) 3

☒ Injured	☒ Treated	☐ Admitted	Facility:	Coroner Case #
			White Memorial	

E6

Employee #	Last Name	First Name	Middle I.	Rank
[redacted]	[redacted]	[redacted]		Deputy

Sex:	Race:	Height:	Weight:	Age:	Shift:	
(●) M ( ) F	A	507	165	[redacted]	( ) EM ( ) Day (●) PM	(●) Regular Shift ( ) OT Shift ( ) Off Duty

Unit of Assignment:	Work Assignment (Unit #, Module, etc.):
Men's Central Jail	Module 1750

Individual Force Used:		Individual Category
See Attached	( ) Directed ( ) Rescue ( ) Medical Assist	( ) 1 ( ) 2 (●) 3

☐ Injured	☐ Treated	☐ Admitted	Facility:	Coroner Case #

E7

Employee #	Last Name	First Name	Middle I.	Rank
[redacted]	Orlandos	Blake		Deputy

Sex:	Race:	Height:	Weight:	Age:	Shift:	
(●) M ( ) F	W	603	260	[redacted]	( ) EM (●) Day ( ) PM	( ) Regular Shift (●) OT Shift ( ) Off Duty

Unit of Assignment:	Work Assignment (Unit #, Module, etc.):
See Attached	Cell Extraction Team

Individual Force Used:		Individual Category
See Attached	(●) Directed ( ) Rescue ( ) Medical Assist	( ) 1 ( ) 2 (●) 3

☒ Injured	☒ Treated	☐ Admitted	Facility:	Coroner Case #
			White Memorial	

E8

Employee #	Last Name	First Name	Middle I.	Rank
[redacted]	[redacted]	[redacted]		Deputy

Sex:	Race:	Height:	Weight:	Age:	Shift:	
(●) M ( ) F	W	600	215	[redacted]	( ) EM (●) Day ( ) PM	( ) Regular Shift (●) OT Shift ( ) Off Duty

Unit of Assignment:	Work Assignment (Unit #, Module, etc.):
Men's Central Jail	Cell Extraction Team

Individual Force Used:		Individual Category
See Attached	(●) Directed ( ) Rescue ( ) Medical Assist	( ) 1 ( ) 2 (●) 3

☒ Injured	☒ Treated	☐ Admitted	Facility:	Coroner Case #
			White Memorial	

Supervisor's Report on Use of Force
INVOLVED EMPLOYEE - Continuation

0 1 3 - 0 0 3 1 6 - 5 1 0 0 - 0 5 7

Involved Employee

E 9

Employee #	Last Name	First Name	Middle I.	Rank
[redacted]	Quintana	Frank		Deputy

Sex	Race	Height	Weight	Age	Shift	
(●) M ( ) F	H	[redacted]			( ) EM (●) Day ( ) PM	( ) Regular Shift (●) OT Shift ( ) Off Duty

Unit of Assignment	Work Assignment (Unit #, Module, etc.)
Men's Central Jail	Cell Extraction Team

Individual Force Used		Individual Category
See Attached	(●) Directed ( ) Rescue ( ) Medical Assist	( ) 1 ( ) 2 (●) 3

[X] Injured [X] Treated [ ] Admitted Facility: White Memorial

Coroner Case #

E 10

Employee #	Last Name	First Name	Middle I.	Rank
[redacted]	Solomua	Sonny		Deputy

Sex	Race	Height	Weight	Age	Shift	
(●) M ( ) F	O	507	200	[redacted]	( ) EM (●) Day ( ) PM	( ) Regular Shift (●) OT Shift ( ) Off Duty

Unit of Assignment	Work Assignment (Unit #, Module, etc.)
Men's Central Jail	Cell Extraction Team

Individual Force Used		Individual Category
See Attached	(●) Directed ( ) Rescue ( ) Medical Assist	( ) 1 ( ) 2 (●) 3

[ ] Injured [ ] Treated [ ] Admitted Facility:

Coroner Case #

E__

Employee #	Last Name	First Name	Middle I.	Rank

Sex	Race	Height	Weight	Age	Shift	
( ) M ( ) F					( ) EM ( ) Day ( ) PM	( ) Regular Shift ( ) OT Shift ( ) Off Duty

Unit of Assignment	Work Assignment (Unit #, Module, etc.)

Individual Force Used		Individual Category
	( ) Directed ( ) Rescue ( ) Medical Assist	( ) 1 ( ) 2 ( ) 3

[ ] Injured [ ] Treated [ ] Admitted Facility:

Coroner Case #

E__

Employee #	Last Name	First Name	Middle I.	Rank

Sex	Race	Height	Weight	Age	Shift	
( ) M ( ) F					( ) EM ( ) Day ( ) PM	( ) Regular Shift ( ) OT Shift ( ) Off Duty

Unit of Assignment	Work Assignment (Unit #, Module, etc.)

Individual Force Used		Individual Category
	( ) Directed ( ) Rescue ( ) Medical Assist	( ) 1 ( ) 2 ( ) 3

[ ] Injured [ ] Treated [ ] Admitted Facility:

Coroner Case #

E__

Employee #	Last Name	First Name	Middle I.	Rank

Sex	Race	Height	Weight	Age	Shift	
( ) M ( ) F					( ) EM ( ) Day ( ) PM	( ) Regular Shift ( ) OT Shift ( ) Off Duty

Unit of Assignment	Work Assignment (Unit #, Module, etc.)

Individual Force Used		Individual Category
	( ) Directed ( ) Rescue ( ) Medical Assist	( ) 1 ( ) 2 ( ) 3

[ ] Injured [ ] Treated [ ] Admitted Facility:

Coroner Case #

Supervisor's Report on Use of Force
EMPLOYEE / NON-EMPLOYEE INFORMATION

013 - 00316 - 5100 - 057

Employee Witnesses

Emp. #	Last Name	First Name	Middle Name
[redacted]	Carranza	Samuel	

Unit of Assignment:	Work Assignment (Unit #, Module, etc.):	Shift:	
Men's Central Jail	Cell Extraction Team	○ EM ○ Day ◉ PM	◉ Regular ○ OT ○ Off Duty

Emp. #	Last Name	First Name	Middle Name
[redacted]	Smith	Michael	

Unit of Assignment:	Work Assignment (Unit #, Module, etc.):	Shift:	
Men's Central Jail	Module 1750	○ EM ○ Day ◉ PM	◉ Regular ○ OT ○ Off Duty

Emp. #	Last Name	First Name	Middle Name
[redacted]	Madrid	Rene	

Unit of Assignment:	Work Assignment (Unit #, Module, etc.):	Shift:	
Men's Central Jail	Medical Escort Team	○ EM ○ Day ◉ PM	◉ Regular ○ OT ○ Off Duty

Non-Employee Witnesses

Last Name	First Name	Middle Name	Age	D.O.B.
Redmond	Danny		Adult	-

Street Address	City	Zip Code	Phone #1	Phone #2
Men's Central Jail - Mental Health Dept.	Los Angeles	90012	[redacted]	

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

☐ Additional Witness

Supervisor's Report on Use of Force
EMPLOYEE / NON-EMPLOYEE INFORMATION - Continuation

0 1 3 - 0 0 3 1 6 - 5 1 0 0 - 0 5 7

Employee Witnesses

Emp. #	Last Name	First Name	Middle Name
[redacted]	Haley	Sterling	

Unit of Assignment:	Work Assignment (Unit #, Module, etc.):	Shift:	
Men's Central Jail	Medical Escort Team	○ EM ○ Day ◉ PM	◉ Regular ○ OT ○ Off Duty

Emp. #	Last Name	First Name	Middle Name
[redacted]	Hernandez	Christopher	

Unit of Assignment:	Work Assignment (Unit #, Module, etc.):	Shift:	
Men's Central Jail	OSJ	○ EM ○ Day ◉ PM	◉ Regular ○ OT ○ Off Duty

Emp. #	Last Name	First Name	Middle Name
[redacted]	Auner	Lucia	

Unit of Assignment:	Work Assignment (Unit #, Module, etc.):	Shift:	
Men's Central Jail	Medical Escort Team	○ EM ○ Day ◉ PM	◉ Regular ○ OT ○ Off Duty

Non-Employee Witnesses

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Method

(AW) Arwen
(BC) Baton: (Control)
(BI) Baton: (Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds: (Control Techniques)
(TT) Control Holds: (Team Takedown)
(TD) Control Holds: (Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(RO) Restraint Device (Other)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device: Hobble (Legs Only)
(TP) Restraint Device: Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(IR) Less Lethal Impact Round (other)
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative
(HR) High Risk

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Involved

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hands
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(NO) Nose
(SH) Shoulder
(WR) Wrist

FORCE USED BY		FORCE USED AGAINST		Method (Code)	Type of Injury (Code)	Body Part (Code)
Name	E# or S#	Name	E# or S#			
Avila	S#1	Rojas	E#1	OE	NN	N/A
Avila	S#1	Allen	E#2	OE	NN	N/A
Avila	S#1	[redacted]	E#3	OE	NN	N/A
Avila	S#1	[redacted]	E#4	OE	NN	N/A
Avila	S#1	Martinez	E#5	OE	LC	FI
Avila	S#1	[redacted]	E#6	OE	NN	N/A
Avila	S#1	Orlandos	E#7	OE	LC	AR
Avila	S#1	[redacted]	E#8	OE	LC DI	AR KN
Avila	S#1	Quintana	E#9	OE	LC	HD
Avila	S#1	Solomua	E#10	OE	NN	N/A
Rojas	E#1	Avila	S#1	CT TT	BR FR	bk le ar ch
Allen	E#2	Avila	S#1	CT TT Ph	BR FR	bk le ar ch
[redacted]	E#3	Avila	S#1	TR	NN	N/A
[redacted]	E#4	Avila	S#1	OC AW	BR	CH
Martinez	E#5	Avila	S#1	CT TT	BR FR	bk le ar ch
[redacted]	E#6	Avila	S#1	PH	BR	FA
Orlandos	E#7	Avila	S#1	SH CT	BR FR	bk le ar ch
[redacted]	E#8	Avila	S#1	SH CT	BR FR	bk le ar ch
Quintana	E#9	Avila	S#1	SH CT	BR FR	bk le ar ch
Solomua	E#10	Avila	S#1	CT TT Ph	BR FR	bk le ar ch

COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT

SIGNIFICANT FORCE INCIDENT SUMMARY

UNIT: Men's Central Jail
DATE: March 29, 2013, Friday
TIME: 1410 Hours
LOCATION: 441 Bauchet Street, Los Angeles
URN#: 013-00316-5100-057
IAB#: FO2331850

NATURE OF INCIDENT:

On Friday, March 29, 2013, at approximately 0935 hours, Deputy Cecilio Felix, #[redacted] was working inside Module 1750 at the Men's Central Jail (MCJ). Deputy Felix responded to Row E of 1750 and began conducting the shower time for the inmates housed there.

> **IAB Note:** Module 1750 houses inmates that have been classified as "K-10." Inmates housed in 1750 have a propensity for violence, and are considered a constant danger to both staff and other inmates. All inmates in the Module are housed in single man cells. During the shower time, inmates are given their time to shower one at a time. The inmates must be handcuffed prior to exiting their cell, and escorted.

Deputy Felix approached cell number six, which was occupied by Suspect Daniel Avila, Booking Number 2859317. Deputy Felix asked the suspect if he desired to take a shower, and he (Avila) responded that he did. Deputy Felix opened the cell gate tray slot, which is utilized for handcuffing the inmates. As Deputy Felix opened the tray slot, Suspect Avila retrieved an orange juice carton containing a fluid with a strong odor of urine. Suspect Avila threw the fluid on Deputy Felix, striking him on the chest, stomach and groin area. Inmate Avila attempted to retrieve an additional juice carton, at which point Deputy Felix sprayed him with Oleoresin Capsicum (OC). Deputy Felix's force was effective, as Suspect Avila retreated to the rear of his cell.

> **IAB Note:** Deputy Felix's Incident Report, Dated March 29, 2013, and a video recording of the incident are included in this case book. See **Exhibit A**. Throwing urine and feces at custody staff is a violation of Penal Code Section 243.9(a), Battery by Gassing, a felony. Inmate Avila has battered staff, by gassing, on several occasions. He has also had numerous incidents with custody staff which have resulted in disciplinary actions, and criminal reports initiated. Inmate

Discipline Reports, involving Suspect Avila, are included in this case book. See **Exhibit G**.

Due to Deputy Felix's use of OC, the on duty Watch Commander [redacted] (Witness [redacted] initiated a "use of force" review, which necessitated an interview with Suspect Avila. [redacted] responded to Suspect Avila's cell in order to conduct the interview. During the interview Suspect Avila told [redacted] that he (Avila) was in possession of a weapon, and if given the chance would use it against deputy personnel.

IAB Note: During his interview with [redacted] Suspect Avila told him that he possessed a weapon, but did not display it.

Due to Suspect Avila's behavior, Custody Operations Commander, Pietrantoni also responded to his cell and interviewed him. Based on the information obtained, coupled with their observations, the supervisory staff concluded that Suspect Avila would need to be moved to the Twin Towers Correctional Facility (TTCF). The decision to move the inmate was reached due to several factors, which were articulated in the required "Use of Force Extraction Incident Analysis" form.

IAB Note: Per Department Policy, the "Use of Force Extraction Incident Analysis" form must be completed when an extraction is conducted. On the form completed regarding Suspect Avila's extraction, the following reasons were given for the need to move, and ultimately extract Suspect Avila: Several assaults on custody personnel. Verbal and written threats to staff, medical personnel, judicial staff, and district attorneys. Documented delusional and violent episodes. Display of mental instability and deteriorating mental condition. Continuous unpredictable and dangerous behavior. Continuous uncooperative behavior, belligerent temper, and outbursts toward staff. The threat of possessing a weapon and plan to use it on staff. It was additionally articulated that a move to TTCF would be necessary in order for Suspect Avila to receive the mental/psychological treatment he required. A copy of the "Use of Force Extraction Incident Analysis" form is included in this case book. See **Exhibit B, Page 4**.

Based on the assessment and decision made by the MCJ supervisory staff to move Suspect Avila, the Jail Mental Evaluation Team staff (JMET) were asked to interview and assess Suspect Avila's mental condition. Senior Mental Health Counselor, Danny Redmond (Witness Redmond), responded to Suspect Avila's cell and attempted to conduct an interview. Witness Redmond concluded that Suspect Avila exhibited behavior that was "highly disturbed." Witness Redmond recommended that Suspect Avila be moved to TTCF, where he would receive the psychiatric treatment he needed. The care that Suspect Avila required was unavailable at MCJ.

IAB Note: Per Department Policy, when a decision is made by supervisory staff that an extraction may be necessary, the watch commander shall consult with medical and mental health staff. Thus [redacted] requested that Senior Mental Health Counselor Redmond assess Suspect Avila's mental condition.

The supervisory staff, including Commander Paul Pietrantoni, #[redacted] contacted Suspect Avila and advised him of the need to move him to TTCF. He was asked on several occasions to voluntarily cooperate and submit to the move, which would avoid a calculated cell extraction. Suspect Avila refused to cooperate, necessitating the plan to forcefully move him (extract) from his cell.

Sergeant Jose Rojas, assigned to the MCJ 2000 Floor, was contacted and tasked with initiating a plan to remove Suspect Avila from his cell. Sergeant Rojas formulated a plan and formed an extraction team consisting of several deputies. Sergeant Rojas then conducted a briefing for the involved personnel. During the briefing Sergeant Rojas relayed all the information that had been obtained by the supervisory personnel, and explained the need to move Suspect Avila. Assignments were also given, and the execution plan was discussed.

IAB Note: The briefing was conducted in the 2000 Floor Briefing Room, and was video recorded. A copy of the recording is included in this case book. See **Exhibit B**.

At the conclusion of the briefing, Sergeant Rojas, and the extraction team responded to the E Row of Module 1750. The team approached Suspect Avila's cell (cell six) and advised him that he needed to be moved to the Twin Towers Correctional Facility. Suspect Avila was again given an opportunity to voluntarily submit to the move, by allowing the deputies to handcuff him. Suspect Avila refused to cooperate, necessitating that the team initiate the extraction.

IAB Note: The first six cells of Module 1750's E Row contain Plexiglas, which is affixed to the cell bars, including the cell gate. Inmate's that are housed in these cells have a history of assaulting deputy staff by "gassing." The Plexiglas provides a protective barrier for deputies as they approach these cells. Photographs of E Row and the entire scene are included in this case book. See **Exhibit I**.

The extraction team deployed Oleoresin Capsicum (OC) in Suspect Avila's cell, in an attempt to get Suspect Avila to surrender. However, due to the Plexiglas affixed to the cell bars, and the blankets Suspect Avila hung on the cell bars, the OC was ineffective. The OC was used several times, but had negative results, as Suspect Avila refused to surrender and allow the deputies to handcuff him. Seeing that the deployment of OC was proving difficult, Sergeant Rojas ordered that the cell door to be slightly opened. The goal was to provide the team more access into the cell.

IAB Note: The cells in 1750 are electronically opened and closed from the module's control center, manned by custody staff.

When the cell door was slightly opened, Suspect Avila utilized his weight and size, and pushed the gate completely opened. Suspect Avila then exited the cell, attacking the deputies with a jail made edged weapon (shank) he had in his right hand. Suspect Avila swung his right hand at several of the deputies, striking them with the shank. Two deputies (Orlandos and [redacted]), carrying protective shields, attempted to push the suspect back, but were unsuccessful, and were attacked in the process.

IAB Note: Suspect's Avila's weapon consisted of razors, pencils, paper, and string. Suspect Avila tied the weapon around his right hand in order to maintain control of it during his attack on deputy staff. Photographs of Suspect Avila's weapon are included in this case book. See **Exhibit I**.

Sergeant Rojas directed a team member (Deputy [redacted]) to fire the 40mm ARWEN at Suspect Avila. The ARWEN was fired twice, but was ineffective as Suspect Avila continued his assault. The team members, including Sergeant Rojas took hold of Suspect Avila, and began taking him down to the floor. Sergeant Rojas also directed a team member (Deputy [redacted]) to utilize the TASER on Suspect Avila.

IAB Note: The "ARWEN" that was utilized is a six shot, less lethal weapon that fires 40mm rubber impact rounds. Though the weapon is not specifically manufactured by "Police Ordnance Company Inc." it is commonly referred to by custody personnel as "ARWEN," or "40mm." Some of the weapons fire a 37mm round, others fire a 40mm round. A photograph of the "ARWEN" utilized during the cell extraction is included in this case book. See **Exhibit I**. Hereafter, in this report, the weapon utilized will be referred to as the "ARWEN."

The team was able to take Suspect Avila to the floor, but he landed with his right hand free and unrestrained. The team members ordered the suspect to surrender his right hand, but he refused. The team members were able to control the suspect's left hand, and placed handcuffs on it. Fearing that the suspect still controlled the shank in his right hand, Sergeant Rojas directed Deputy [redacted] to activate the TASER again. Suspect Avila continued to struggle and resist the deputies' efforts to restrain him.

With the use of the TASER, Hobble Restraint, and personal weapons, the deputies were finally able to restrain and handcuff the suspect. The suspect was removed from the row and immediately taken to the Men's Central Jail Clinic. He was subsequently transported to the Los Angeles County Medical Center (LCMC), and treated for his injuries. During treatment it was discovered that Suspect Avila had sustained a broken left arm. Several team members, Deputy Orlandos, Deputy [redacted] Deputy Quintana, and Deputy Martinez also sustained injuries during the incident. They were also transported to a local hospital and treated.

IAB Note: During the extraction, one of the team members was in possession of a hand held video recorder and recorded the incident. The incident was also recorded on Closed Circuit Television Cameras, located on the module row. A compact disc, containing the video recordings, is included in this case book. See **Exhibit I**.

Internal Affairs Bureau (IAB) Lieutenant Myron Johnson, was notified, and along with IAB Sergeants Carlos Flores and Jeffrey Hamil, responded to the Men's Central Jail to conduct an administrative review of the incident. The following review is based on written documentation and interviews of witnesses, involved deputies, and medical staff.

INVOLVED PERSONNEL:

Rojas, Jose - Sergeant, #[redacted] MH/[redacted] 509/200 Lbs.
Men's Central Jail
Custody Division
Extraction Team Leader

Employee's Work History:

Date of Employment: 09-27-1995
Date Assigned to Unit: [redacted]
Prior Shooting Incident(s):
Prior Founded Force Incidents:

Allen, Patrick - Deputy, #[redacted] MW/[redacted] 600/220 Lbs.
Men's Central Jail
Custody Division

Employee's Work History:

Date of Employment: 05-19-2005
Date Assigned to Unit: [redacted]
Prior Shooting Incident(s):
Prior Founded Force Incidents:

[redacted] - Deputy, #[redacted] MH/[redacted] 601/195 Lbs.
Men's Central Jail
Custody Division

Employee's Work History:

Date of Employment: 06-06-2007
Date Assigned to Unit: [redacted]
Prior Shooting Incident(s):

Prior Founded Force Incidents: [redacted]

[redacted] - Deputy, #[redacted] MH/[redacted] 509/170 Lbs.
Men's Central Jail
Custody Division

Employee's Work History:

Date of Employment: 05-11-2009
Date Assigned to Unit:
Prior Shooting Incident(s):
Prior Founded Force Incidents: [redacted]

Martinez, Daniel - Deputy, #[redacted] MH/[redacted] 508/175 Lbs.
Men's Central Jail
Custody Division

Employee's Work History:

Date of Employment: 02-20-2008
Date Assigned to Unit:
Prior Shooting Incident(s):
Prior Founded Force Incidents: [redacted]

[redacted] - Deputy, #[redacted] MO/[redacted] 507/165 Lbs.
Men's Central Jail
Custody Division

Employee's Work History:

Date of Employment: 09-17-2007
Date Assigned to Unit:
Prior Shooting Incident(s):
Prior Founded Force Incidents: [redacted]

Orlandos, Blake - Deputy, #[redacted] MW/[redacted] 603/260 Lbs.
Men's Central Jail
Custody Division

Employee's Work History:

Date of Employment: 05-29-2007
Date Assigned to Unit:
Prior Shooting Incident(s):
Prior Founded Force Incidents: [redacted]



[redacted] - Deputy, #[redacted] MW/[redacted] 600/215 Lbs.
Men's Central Jail
Custody Division

Employee's Work History:

Date of Employment: 09-04-2007
Date Assigned to Unit: [redacted]
Prior Shooting Incident(s):
Prior Founded Force Incidents:

Quintana, Frank - Deputy, #[redacted] MW/36 600/195 Lbs.
Men's Central Jail
Custody Division

Employee's Work History:

Date of Employment: 01-17-2007
Date Assigned to Unit: [redacted]
Prior Shooting Incident(s):
Prior Founded Force Incidents:

Solomua, Sonny - Deputy, #[redacted] MO/28 507/200 Lbs.
Men's Central Jail
Custody Division

Employee's Work History:

Date of Employment: 10-03-2007
Date Assigned to Unit: [redacted]
Prior Shooting Incident(s):
Prior Founded Force Incidents:

INVOLVED SUSPECT:

Avila, Daniel

Sex:	Male
Race:	White
Date of Birth	June 1, 1979
Height:	604
Weight:	322
Booking #	2859317
Charges:	664/187 PC

The Consolidated Criminal History System [redacted] that Suspect Avila [redacted]

[redacted]

IAB Note: A copy of Suspect Avila's criminal history is included in this case book. See **Exhibit F**.

DEPUTY WITNESSES:

[redacted] #[redacted]
Auner, Lucia, #[redacted] Sergeant
Carranza, Samuel, #[redacted] Deputy
Hernandez, Christopher, #[redacted], Deputy
Haley, Sterling, #[redacted] Deputy
Madrid, Rene, #[redacted], Deputy
Smith, Michael, #[redacted], Deputy

NON DEPARTMENT WITNESS:

Redmond, Danny, #[redacted] Senior Mental Health Counselor
[redacted] Los Angeles County Jail Inmate, Booking Number [redacted]

INVOLVED EMPLOYEE STATEMENTS:

Sergeant Jose Rojas, #[redacted] was interviewed on June 24, 2013, at 1047 hours by Internal Affairs Bureau Sergeant Carlos Flores. The interview was conducted at the Men's Central Jail, and was digitally audio recorded.

Sergeant Rojas stated that he authored a Supplemental Report, documenting the event and his actions (**Exhibit D, Page 1**). He said his report is a truthful and accurate account of the incident.

Sergeant Rojas stated that on March 29, 2013, Witness [redacted] approached him and told him that Suspect Avila would have to be moved from Module 1750, to Twin Towers Correctional Facility (TTCF). He said that he was told that Suspect Avila had assaulted a deputy earlier in the day, and an extraction would likely be necessary. He said he was assigned as the extraction team leader, and asked to prepare a plan in order to safely remove Suspect Avila from his cell. Sergeant Rojas stated that he was not involved with the decision to move Suspect Avila to TTCF. He said that the decision to move the suspect had already been made when [redacted] contacted him (Rojas).

Sergeant Rojas stated that he conducted a briefing with all involved personnel in the 2000 floor briefing room. He said that during that briefing he formed a team of deputies, and gave each one an assignment and responsibility during the extraction. Sergeant Rojas stated that the Incident Commander, [redacted] and Commander

Pietrantoni also attended the briefing. Sergeant Rojas said he was aware that Suspect Avila had stated that he was in possession of a weapon, and threatened to use it.

IAB Note: The briefing was conducted in the 2000 floor briefing room, and was video recorded. A copy of the recording is included in this case book. See **Exhibit B**.

Sergeant Rojas stated that at the conclusion of the briefing, he and his team responded to Module 1750. He stated that he contacted Suspect Avila at his cell and advised him that he needed to be moved. He said he gave Suspect Avila an opportunity to voluntarily "surrender himself," but he refused. Sergeant Rojas stated that he then advised Suspect Avila that they were prepared to use force to extract him from the cell, if he did not voluntarily surrender. He said the suspect again refused.

Sergeant Rojas stated that based on Suspect Avila's refusal to cooperate, he directed Deputy [redacted] to spray Oleoresin Capsicum (OC) into Suspect Avila's cell. He stated that Deputy [redacted] sprayed inside the cell several times, but the OC was ineffective, as Suspect Avila would not surrender.

IAB Note: Sergeant Rojas stated that though Suspect Avila's cell had Plexiglas attached to the bars, the OC was sprayed through the slots on the side of the cell gate. He stated that the cell's tray slot was also opened, and OC was sprayed through that portal. However, the OC remained ineffective.

Sergeant Rojas stated that he directed that the cell gate be opened slightly, in the hopes to have more access into the cell, thus causing the suspect to step away from the bars. He said that when the gate opened slightly, Suspect Avila utilized his size and forced the gate to completely open. He said Suspect Avila then stepped out of the cell and began attacking the deputies, swinging his hands in a "slashing motion." He said he could see that the suspect was holding a weapon in his right hand, as he attacked the deputies. He said that prior to the suspect exiting his cell; he (Rojas) had not seen any weapon in the suspect's hands.

Sergeant Rojas stated that he directed Deputy [redacted] to fire the ARWEN at Suspect Avila. He said Deputy [redacted] fired once, striking the suspect in the mid torso area of his body. He said that the force was ineffective, as Suspect Avila continued his attack. He said he then ordered Deputy [redacted] to fire a second round, but did not see if the round struck the suspect. He said that while the ARWEN was being deployed, Deputy [redacted] was attempting to, "pin" the suspect against the bars, utilizing the shield. He said that the suspect continued swinging the weapon, striking Deputy Orlandos two times. Sergeant Rojas said he then directed Deputy [redacted] to utilize the TASER. He said he heard the TASER being used, but was unsure if it had struck the suspect.

Sergeant Rojas stated that he took hold of the suspect's hand that contained the weapon. He said he pulled the suspect's hand down, while the other deputies took hold

of other areas of the suspect's body. He said that utilizing force and body weight, they took the suspect down to the floor. He stated that several deputies, including him, landed on top of the suspect. Sergeant Rojas stated that while on the floor the suspect continued to struggle, refusing to surrender his right arm. He said he then directed Deputy [redacted] to utilize the TASER again. He said he heard the TASER deployed, but it did not have any effect on the suspect. He said Deputy Solomua was able to gain control of the suspect's left hand and placed handcuffs on that hand. He said the suspect continued to refuse to surrender his right hand, even though several deputies were shouting commands for him to surrender.

Sergeant Rojas said he observed Deputy Solomua punch the suspect several times in the left rib area. He said he also saw Deputies Allen and Quintana take hold of the right hand, which contained the weapon. Sergeant Rojas said the suspect was also kicking his legs, and thrashing his body. He said he felt that immobilizing the suspect's limbs was his best option so he directed that the Hobble Restraint be placed on the suspect's legs. Sergeant Rojas said he stood on one of the suspect's ankles in order to get him to stop kicking, and so the Hobble Restraint could be applied. He said he then heard the deputies shout that they had control of the suspect's two hands, and he was handcuffed. He said the Hobble Restraint was then applied to his legs.

Sergeant Rojas reiterated that during the incident he witnessed the use of OC, ARWEN and TASER. He said the ARWEN was utilized twice, and believes the TASER was used three times. He said that he also observed Deputy Solomua punch the suspect, and the suspect was taken down via a team effort. He said he did not observe any other force, and did not observe anybody kick the suspect. He said that after the incident several deputies reported using force that he had not witnessed, and the deputies documented their actions in Supplemental Reports.

Sergeant Rojas stated that the deputies' force was necessary and appropriate based on the suspect's actions. He said he did not witness any inappropriate actions by the deputies during the incident, or when he later reviewed the incident on the video recordings (**Exhibit I**).

For his complete statement, refer to Sergeant Rojas' interview transcript.

Deputy Patrick Allen, #[redacted] was interviewed on September 30, 2013, at 1108 hours, by Internal Affairs Bureau Sergeants Carlos Flores and Slade Carrizosa. The interview was conducted at the Internal Affairs Bureau, and was digitally audio recorded. Deputy Allen was represented by Attorney Omkar Ranade.

Deputy Allen stated that he authored a Supplemental Report, documenting the event and his actions (**Exhibit D, Page 5**). He said his report is a full, complete and accurate account of the incident.

Deputy Allen stated that on March 29, 2013, he was assigned to the 3100/3300 Module. He said he was advised by Sergeant Rojas that an extraction was going to be

conducted, and he directed him to be a member of the extraction team. He said he attended a briefing in the 2000 Floor Briefing Room, where they were advised that Suspect Avila needed to be extracted from his cell. He said that during that briefing, he and the other members were given assignments and responsibilities. Deputy Allen said he was assigned the "Capture One" position on the team.

Deputy Allen stated that at the conclusion of the briefing, he and the other team members responded to Suspect Avila's cell. He said Sergeant Rojas directed the suspect to voluntarily allow himself to be handcuffed, but the suspect refused. He said the sergeant then ordered that Oleoresin Capsicum (OC) be sprayed in Suspect Avila's cell. He said Deputy [redacted] attempted to spray the OC, but due to the Plexiglas on the cell gate, and the blankets the suspect had hung, the OC was ineffective. The suspect continued to refuse to allow the deputies to handcuff him.

Deputy Allen said that Sergeant Rojas then ordered the suspect's cell door to be opened half way. He said that when the cell door was opened, he heard the sergeant order the use of the ARWEN. He said he heard the ARWEN fire, but he was not sure who fired it. He said he did not see where the ARWEN round went, and he did not know if it struck the suspect. Deputy Allen said the suspect then exited his cell and came onto the row in a very aggressive manner. He said the suspect was holding a jail made weapon (shank) in his left hand, and was swinging it at the deputies.

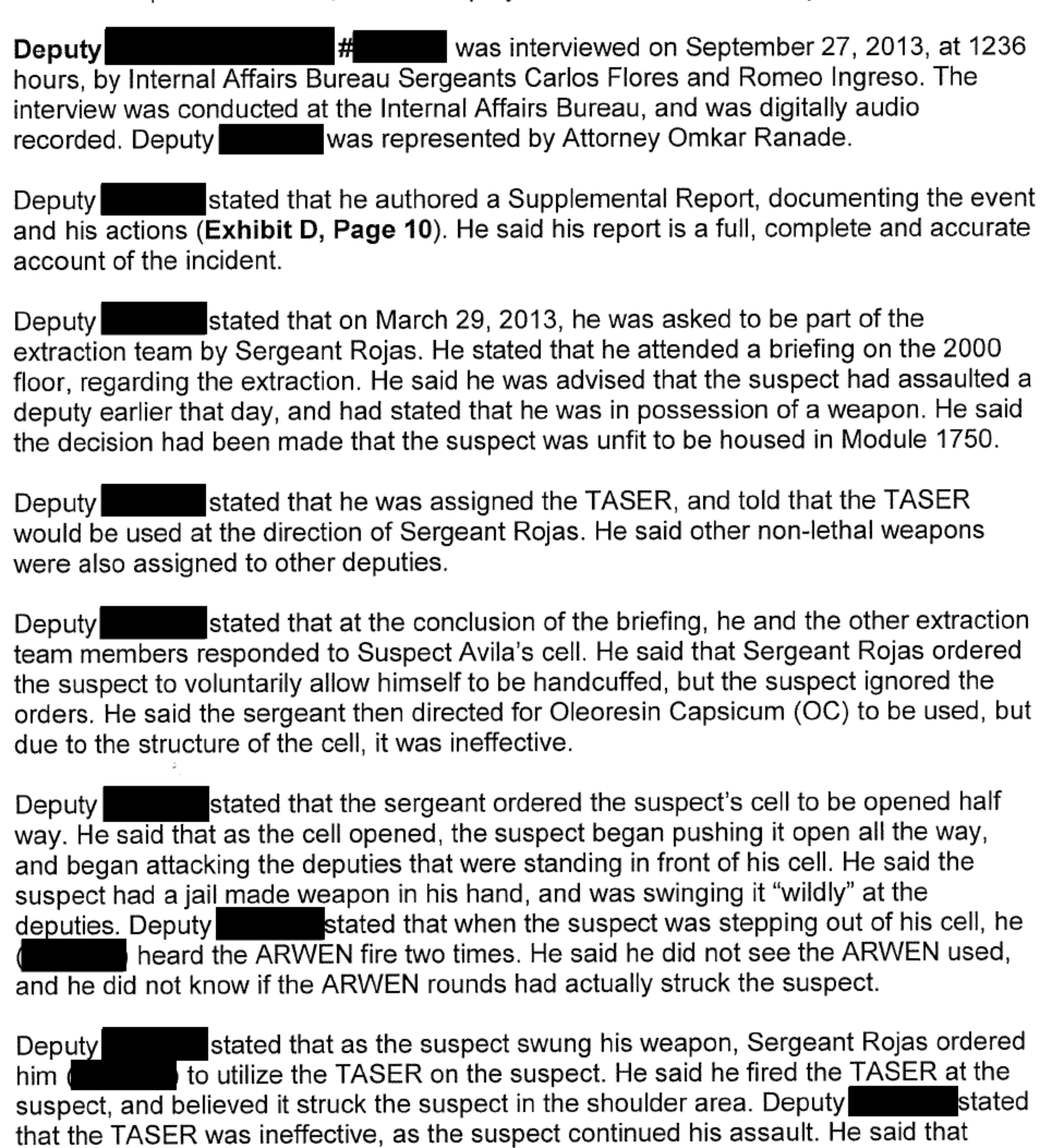
Deputy Allen stated that he and two other deputies attempted to "pin" the suspect, by utilizing the shields. He said the suspect was able to assault one of the shield deputies, by getting his hand through the shields. He said he then heard the TASER deployed, but was not sure who fired it, or if it struck the suspect. He said he believed that the TASER was effective, as they were able to force the suspect down to the floor. He said they took the suspect down to the floor, where he (suspect) continued to kick and punch, and resist the deputies' efforts to control him.

Deputy Allen said that when the suspect was taken down, he (Allen) placed his weight on him in order to keep him from getting back up. He said he saw several deputies attempt to gain control of both the suspect's hands so that they could handcuff him. He said that he took a position behind the suspect, and saw that the suspect's left hand was placed behind his back. He said the suspect was no longer holding the shank, so he (Allen) placed a handcuff on the hand. He said he then ordered the suspect to surrender his right hand, which the other deputies were having difficulty in controlling.

Deputy Allen said the suspect refused his orders to surrender his right hand. He said that based on the suspect's actions, he (Allen) punched the suspect two times in his lower back area, in the hopes to get the suspect to comply. He said his force was ineffective, as the suspect continued to refuse to cooperate and did not surrender his right hand. He said that the suspect continued to struggle, but he and the other deputies were finally able to control his right hand and bring it behind his back. Deputy Allen said the suspect was then handcuffed.

Deputy Allen said he does not know how the suspect sustained a broken left arm. He said that he did not observe any other deputy punch or kick the suspect. Deputy Allen said he was not injured during the incident.

> **IAB Note:** During his interview, Deputy Allen was shown the two video recordings of the extraction (**Exhibit I**).



For his complete statement, refer to Deputy Allen's interview transcript.

Deputy [redacted] **#**[redacted] was interviewed on September 27, 2013, at 1236 hours, by Internal Affairs Bureau Sergeants Carlos Flores and Romeo Ingreso. The interview was conducted at the Internal Affairs Bureau, and was digitally audio recorded. Deputy [redacted] was represented by Attorney Omkar Ranade.

Deputy [redacted] stated that he authored a Supplemental Report, documenting the event and his actions (**Exhibit D, Page 10**). He said his report is a full, complete and accurate account of the incident.

Deputy [redacted] stated that on March 29, 2013, he was asked to be part of the extraction team by Sergeant Rojas. He stated that he attended a briefing on the 2000 floor, regarding the extraction. He said he was advised that the suspect had assaulted a deputy earlier that day, and had stated that he was in possession of a weapon. He said the decision had been made that the suspect was unfit to be housed in Module 1750.

Deputy [redacted] stated that he was assigned the TASER, and told that the TASER would be used at the direction of Sergeant Rojas. He said other non-lethal weapons were also assigned to other deputies.

Deputy [redacted] stated that at the conclusion of the briefing, he and the other extraction team members responded to Suspect Avila's cell. He said that Sergeant Rojas ordered the suspect to voluntarily allow himself to be handcuffed, but the suspect ignored the orders. He said the sergeant then directed for Oleoresin Capsicum (OC) to be used, but due to the structure of the cell, it was ineffective.

Deputy [redacted] stated that the sergeant ordered the suspect's cell to be opened half way. He said that as the cell opened, the suspect began pushing it open all the way, and began attacking the deputies that were standing in front of his cell. He said the suspect had a jail made weapon in his hand, and was swinging it "wildly" at the deputies. Deputy [redacted] stated that when the suspect was stepping out of his cell, he ([redacted]) heard the ARWEN fire two times. He said he did not see the ARWEN used, and he did not know if the ARWEN rounds had actually struck the suspect.

Deputy [redacted] stated that as the suspect swung his weapon, Sergeant Rojas ordered him ([redacted]) to utilize the TASER on the suspect. He said he fired the TASER at the suspect, and believed it struck the suspect in the shoulder area. Deputy [redacted] stated that the TASER was ineffective, as the suspect continued his assault. He said that

based on the suspect's actions, he ([redacted]) activated the TASER a second time. He said that it appeared that the TASER was effective, as the deputies were able to take the suspect down to the floor.

Deputy [redacted] stated that when the suspect was taken to the floor, the deputies attempted to control both of his hands. He said the suspect still had the weapon in his hand, and was still swinging it. He said he then heard the sergeant direct him to activate the TASER again. Deputy [redacted] said it appeared that the TASER was effective, as the suspect's body "locked up," which was the desired effect.

Deputy [redacted] said that he then heard Deputy Solomua order the suspect to place his hands behind his back. He said the suspect would not comply, at which time he saw Deputy Solomua punch the suspect three to four times in the left rib area. He said Deputy Solomua's force had no effect, as the suspect would not comply and stop struggling. Deputy [redacted] said he then activated the TASER a fourth time. He said the TASER appeared to be effective, as the deputies were able to control the suspect's left arm. He said after a short time, the deputies were finally able to control both arms, and handcuff the suspect.

Deputy [redacted] said he did not observe any other deputy punch or kick the suspect. He said he was certain that he activated the TASER a total of four times. He said he did not know how the suspect sustained the broken arm. He said that based on the suspect's actions, he believed the force he used and witnessed was appropriate.

IAB Note: The TASER Report (**Exhibit H**) indicates that there were six TASER activations during the incident. Deputy [redacted] stated that he believed he had only activated it four times. During his interview, Deputy [redacted] was shown the two video recordings of the extraction (**Exhibit I**).

For his complete statement, refer to Deputy [redacted] interview transcript

Deputy [redacted] #[redacted] was interviewed on September 30, 2013, at 1302 hours, by Internal Affairs Bureau Sergeants Carlos Flores and Slade Carrizosa. The interview was conducted at the Internal Affairs Bureau, and was digitally audio recorded. Deputy [redacted] was represented by Attorney Omkar Ranade.

Deputy [redacted] stated that he authored a Supplemental Report, documenting the event and his actions (**Exhibit D, Page 13**). He said his report is a full, complete and accurate account of the incident.

Deputy [redacted] stated that on March 29, 2013, he was assigned to the extraction team by Sergeant Rojas. He said he attended a briefing in the 2000 floor briefing room, and was advised of the need to extract Suspect Avila. He stated that he was assigned less lethal weapons; Oleoresin Capsicum (OC) and the ARWEN. He said that at the conclusion of the briefing, he and the other team members responded to Module 1750.

Deputy [redacted] stated that when they arrived to Suspect Avila's cell, Sergeant Rojas ordered him to voluntarily allow himself to be handcuffed. He said the sergeant gave the order several times, but the suspect refused. He said the sergeant then directed him [redacted] to deploy OC into the suspect's cell. Deputy [redacted] stated that due to the Plexiglas on the suspect's cell, coupled with the linen the suspect had hung, the use of OC was ineffective.

Deputy [redacted] said he then heard the sergeant order the suspect's cell door halfway opened. He said when the gate partially opened, the suspect forced the gate fully open and exited his cell. He said that the suspect began assaulting the deputies, at which point he [redacted] was directed by the sergeant to shoot the ARWEN at the suspect. Deputy [redacted] said he fired the ARWEN, striking the suspect on the right side of the abdomen. He said the ARWEN round had no effect, as the suspect continued to exit and assault the deputies. He said that he then saw that the suspect had a jail made weapon (shank) in his hand.

Deputy [redacted] said the sergeant directed him to shoot another round at the suspect, but the ARWEN malfunctioned (cylinder failed to cycle). He said that he then had to step back and manually cycle the cylinder, rendering the weapon usable again. He said that as he was manipulating the weapon, Deputies [redacted] and Orlandos blocked the suspect utilizing their shields. He said the deputies' actions halted the suspect's actions, protecting him [redacted] from being stabbed.

Deputy [redacted] stated that after manually cycling the ARWEN, he fired a second round at the suspect. He said the round again struck the suspect on the right side of his abdomen, but had not effect. He said the suspect continued his assault, as the deputies attempted to restrain and control him. He said that, "through shear strength and manpower," the other deputies on the team were able to take the suspect down to the floor. Deputy [redacted] stated that as the suspect and deputies were going down to the floor, he heard the TASER being activated. He said he believed it was Deputy [redacted] utilizing the TASER, but did not actually see him deploy it.

Deputy [redacted] said that while on the floor, the suspect began kicking his legs. He said that in order to control the suspect's legs, he [redacted] stood on both of the suspect's legs. He said that the tactic was effective, as the suspect stopped kicking. He said that due to the amount of deputies involved, he was unable to see what the suspect was doing with his arms and hands. He said that after a short struggle, the deputies were able to control the suspect's hands and handcuff him. Deputy [redacted] said that he, with the assistance of another deputy, then placed the Hobble Restraint on the suspect's legs. He said the suspect was then taken off the row.

Deputy [redacted] said he did not see any deputy punch or kick the suspect. He said he does not know how the suspect sustained the broken arm. He said he [redacted] was not injured during the incident.

IAB Note: During his interview, Deputy [redacted] was shown the two video recordings of the extraction (**Exhibit I**).

For his complete statement, refer to Deputy [redacted] interview transcript.

Deputy Daniel Martinez, #[redacted] was interviewed on October 1, 2013, at 1050 hours, by Internal Affairs Bureau Sergeants Carlos Flores and David Ladjevic. The interview was conducted at the Internal Affairs Bureau, and was digitally audio recorded. Deputy Martinez was represented by Attorney Omkar Ranade.

Deputy Martinez stated that he authored a Supplemental Report, documenting the event and his actions (**Exhibit D, Page 15**). He said his report is a full, complete and accurate account of the incident.

Deputy Martinez stated that on March 29, 2013, he was assigned to Module 1750. He said that he was directed to be part of the extraction team by Sergeant Rojas. He said he attended a briefing in the 2000 Floor briefing room, where he and the other team deputies were given assignments. Deputy Martinez said he was assigned the position of Communications/Radio Deputy.

Deputy Martinez stated that at the conclusion of the briefing, he and the other team members responded to Suspect Avila's cell in Module 1750. He said that Sergeant Rojas ordered Suspect Avila to voluntarily allow himself to be handcuffed, but the suspect refused. He said Sergeant Rojas ordered the suspect several times, but the suspect would not cooperate.

Deputy Martinez said that Deputy [redacted] attempted to spray the suspect with Oleoresin Capsicum (OC), but the OC was ineffective. He said the suspect had "barricaded" the cell with blankets, thus hampering the use of the OC. Deputy Martinez said he was then told by Sergeant Rojas to communicate with the module control personnel, and direct them to open Suspect Avila's cell door half way.

Deputy Martinez said that when the gate door opened, Suspect Avila forced himself out of the cell. He said that the suspect had a jail made weapon (shank) in his hand, and he was swinging it at the deputies. Deputy Martinez said he shouted, "Shank," in order to warn the other team members. He said the deputies were trying to control the suspect, but he was not sure exactly what they were doing. He said his eyes were, "fixated" on the suspect's weapon. He said he did see two deputies pushing the suspect back, utilizing shields.

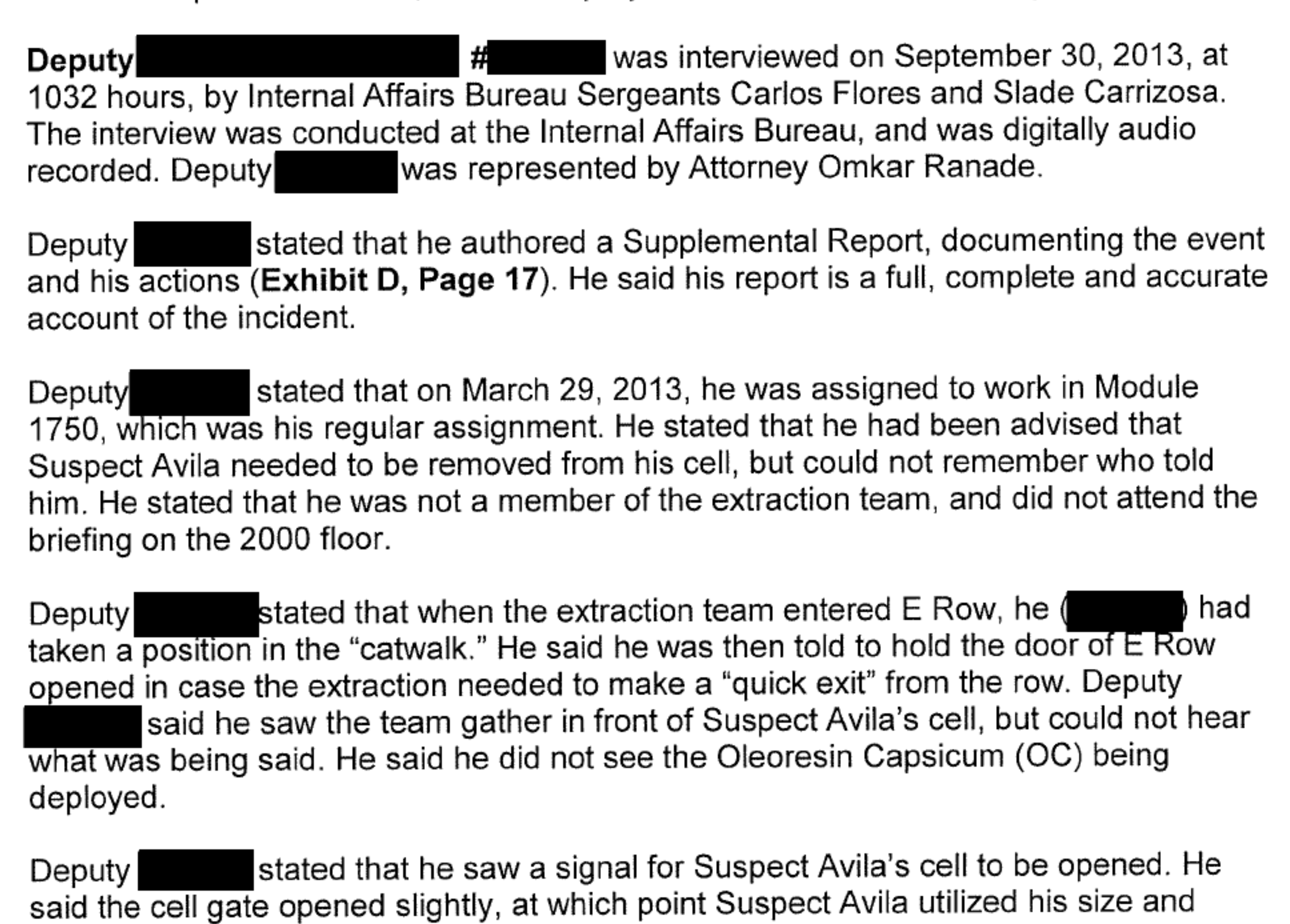
Deputy Martinez said that he took hold of the suspect's left shoulder area and pulled the suspect downward. He said that with the assistance of the other team members they were able to take the suspect down to the floor. He said that they took the suspect down to the floor in order to control him, but the suspect continued to struggle. Deputy Martinez stated that as they landed on the floor, he heard someone direct the use of the

TASER. He said he then heard the TASER activate, but did not see it deployed. He said he saw the TASER wires, but was not sure which deputy had it in his hands.

Deputy Martinez said that the use of the TASER was ineffective, as the suspect continued to move around. He said he took hold of the suspect's right hand, which was still holding the weapon. He said that other deputies were also taking hold of the suspect's right hand, but he was not sure who. Deputy Martinez said he saw that other deputies were able to force the suspect's left hand behind his back. He said that he and the other deputies were then able to force the suspect's right hand behind his back, at which point he was handcuffed.

Deputy Martinez stated that he did not see any deputy punch or kick the suspect. He said he did not see the ARWEN utilized, and does not know how the suspect broke his arm. Deputy Martinez said he (Martinez) sustained a laceration on the middle finger of his right hand. He said he believed the injury occurred when he was trying to control the suspect's right hand.

IAB Note: During his interview, Deputy Martinez was shown the two video recordings of the extraction (**Exhibit I**).



For his complete statement, refer to Deputy Martinez' interview transcript

Deputy [redacted] #[redacted] was interviewed on September 30, 2013, at 1032 hours, by Internal Affairs Bureau Sergeants Carlos Flores and Slade Carrizosa. The interview was conducted at the Internal Affairs Bureau, and was digitally audio recorded. Deputy [redacted] was represented by Attorney Omkar Ranade.

Deputy [redacted] stated that he authored a Supplemental Report, documenting the event and his actions (**Exhibit D, Page 17**). He said his report is a full, complete and accurate account of the incident.

Deputy [redacted] stated that on March 29, 2013, he was assigned to work in Module 1750, which was his regular assignment. He stated that he had been advised that Suspect Avila needed to be removed from his cell, but could not remember who told him. He stated that he was not a member of the extraction team, and did not attend the briefing on the 2000 floor.

Deputy [redacted] stated that when the extraction team entered E Row, he ([redacted]) had taken a position in the "catwalk." He said he was then told to hold the door of E Row opened in case the extraction needed to make a "quick exit" from the row. Deputy [redacted] said he saw the team gather in front of Suspect Avila's cell, but could not hear what was being said. He said he did not see the Oleoresin Capsicum (OC) being deployed.

Deputy [redacted] stated that he saw a signal for Suspect Avila's cell to be opened. He said the cell gate opened slightly, at which point Suspect Avila utilized his size and

weight to open it further. He said the suspect then exited the cell, with a jail made weapon (shank) in his hand. He said the suspect was waving the weapon, attempting to cut the deputies on the extraction team. He said the suspect was so big and strong, he was able to push the deputies back and exit his cell. Deputy [redacted] said it appeared that the deputies were attempting to control the suspect's hands.

Deputy [redacted] stated that based on his observations, he felt that the deputies needed assistance. He said he began running down the row, toward the deputies and suspect. He said that by the time he arrived, the deputies had already taken the suspect down to the floor. Deputy [redacted] said he does not know how the suspect was taken down to the floor, but saw that he (Avila) was face down when he arrived. He said the suspect still had the weapon in his right hand, and was still swinging it, attempting to cut the deputies. He said it appeared as though the weapon was tied around the suspect's wrist.

Deputy [redacted] said he ordered the suspect to release the weapon and to stop fighting, but the suspect refused. He said he took hold of the suspect's right hand and again ordered the suspect to stop fighting. Deputy [redacted] said the suspect refused to cooperate, and continued his assault. He said that he ([redacted]) then punched the suspect's face and again ordered him to stop. He said the suspect continued to fight, so he ([redacted] punched his face several more times. Deputy [redacted] said he could not remember how many times he punched the suspect.

Deputy [redacted] said his force was effective, as the suspect finally released the weapon. He said he, with the assistance of another deputy, were then able to force the suspect's right hand behind his back. He said the suspect was then handcuffed.

Deputy [redacted] said he did not witness the use of Oleoresin Capsicum (OC), the ARWEN or the TASER. He said he did not see any other deputy punch or kick the suspect. Deputy [redacted] said he does not know how the suspect sustained the broken left arm. He said that during the incident he was focused on the suspect's actions, and not on the other deputies. He said he ([redacted]) was not injured during the incident.

> **IAB Note:** During his interview, Deputy [redacted] was shown the two video recordings of the extraction (**Exhibit I**).

For his complete statement, refer to Deputy [redacted] interview transcript.

Deputy Blake Orlandos, #[redacted] was interviewed on September 27, 2013, at 1027 hours, by Internal Affairs Bureau Sergeants Carlos Flores and Romeo Ingreso. The interview was conducted at the Internal Affairs Bureau, and was digitally audio recorded. Deputy Orlandos was represented by Attorney Omkar Ranade.

Deputy Orlandos stated that he authored a Supplemental Report, documenting the event and his actions (**Exhibit D, Page 19**). He said his report is a full, complete and accurate account of the incident.

Deputy Orlandos stated that on March 29, 2013, he was advised by Sergeant Rojas that an extraction was being planned, and that he (Orlandos) was on the extraction team. He said he attended a briefing on the 2000 floor, where he was given the assignment of "shield deputy." He said that they were advised that a decision had been made to move Suspect Avila from Module 1750. He said the move was deemed necessary due to Suspect Avila's mental state, and his statements that he possessed a weapon.

Deputy Orlandos stated that at the conclusion of the briefing, he and the rest of the team responded to Suspect Avila's cell in Module 1750. He said that Sergeant Rojas ordered the suspect to voluntarily allow himself to be handcuffed, but the suspect refused. He said it was difficult to see the suspect due to the fact that he (Avila) had draped a sheet on the cell bars.

Deputy Orlandos stated that due to the suspect's refusal to voluntarily surrender, Sergeant Rojas directed that Oleoresin Capsicum (OC) be deployed. He said that due to the suspect's cell being "extremely fortified," coupled with the sheet the suspect had draped, the OC was ineffective. He said Sergeant Rojas then ordered the cell door to be opened half way. He said that as the door opened, the suspect forcefully exited the cell, with a jail made weapon in his hand. He said the suspect was swinging the weapon, assaulting the deputies. Deputy Orlandos said he heard the "40" (ARWEN) being utilized, but did not see if the ARWEN round struck the suspect.

Deputy Orlandos stated that he was utilizing the shield in an attempt to keep the suspect's hand pinned against the cell bars. He said that he was having difficulty due to the fact that the floor was slippery with OC. He said he saw an opportunity to control the suspect's right hand, which contained the weapon. He said he discarded his shield and took hold of the suspect right wrist. Deputy Orlandos said that once he had control of the suspect's wrist, he forced the suspect's arm down to the floor as hard as he could. He said that simultaneously, the other deputies were able to force the suspect's body down to the floor as well.

Deputy Orlandos stated that when the suspect and deputies went down to the floor, he lost grip of the suspect's wrist. He said he also lost sight of the suspect's hands, but believed the suspect still had the weapon in his hand. He said the deputies were attempting to control the suspect, but the suspect was resisting their efforts. Deputy Orlandos said he feared for his safety and that of his partners, so he punched the suspect in the right rib area. He said he utilized that force in the hopes that the suspect would stop his assault and be handcuffed. He said his force was ineffective, as the suspect continued to struggle.

Deputy Orlandos said he then focused on the suspect's legs, which he (Avila) was moving back and forth. He said he attempted to place ankle cuffs on the suspect, but his (Avila's) ankles were too big. He said he then requested a Hobble Restraint, and he and Deputy [redacted] hobbled the suspect's legs. He said that shortly after controlling

the suspect's legs, the other deputies were able to control the suspect's arms. He said the suspect was then handcuffed and removed off the row.

Deputy Orlandos stated that though he heard the TASER used, he did not see it, and could not remember when it was used. He said he was also not sure how many times the TASER was activated, and is not certain if its use was effective. He said he did not see any other deputy punch or kick the suspect, and does not know how the suspect sustained a broken arm. Deputy Orlandos stated that during the incident, the suspect struck him with the weapon, causing a laceration on his right forearm. He said he (Orlandos) was transported to White Memorial Medical Center, where he was treated for his injury.

IAB Note: A Photograph of Deputy Orlandos' injury is included in this case book. See **Exhibit K**. During his interview, Deputy Orlandos was shown the two video recordings of the extraction (**Exhibit I**).

For his complete statement, refer to Deputy Orlandos' interview transcript.

Deputy [redacted] **#**[redacted] was assigned as one of the Shield Deputies on the extraction team. During the extraction Deputy [redacted] sustained a torn Anterior Cruciate Ligament (ACL) to his left knee. Due to the injury, Deputy [redacted] has not returned to work, and will not be returning to work in the near future. Based on Deputy [redacted] medical status, he was not interviewed by Internal Affairs Bureau investigators. However, on the night of the incident Deputy [redacted] completed and submitted a Supplemental Report. The following is information provided by Deputy [redacted] in his report:

IAB Note: A copy of Deputy [redacted] report is included in this case book. See **Exhibit D, Page 25**.

In his report, Deputy [redacted] stated that on March 29, 2013, he was assigned as a Prowler on the 2000 floor. He stated that he attended a briefing in the 2000 Floor Briefing Room and advised that Suspect Avila needed to be extracted from his cell. He stated that the suspect had assaulted a deputy earlier in the day, and was threatening that he was in possession of a weapon. Deputy [redacted] stated that at the briefing he was assigned as one of the shield deputies.

Deputy [redacted] stated that at the conclusion of the briefing, he and the other team members responded to Suspect Avila's cell in Module 1750. He stated that Sergeant Rojas ordered the suspect to allow the deputies to handcuff him, but the suspect refused. He said Sergeant Rojas then directed Deputy [redacted] to spray Oleoresin Capsicum (OC) into Suspect Avila's cell. He said Deputy [redacted] sprayed OC several times, but it was ineffective, as the suspect continued to be uncooperative.

Deputy [redacted] stated that the sergeant ordered the suspect's cell to be partially opened. He stated that the sergeant also ordered Deputy [redacted] to fire the ARWEN

(40mm) in Suspect Avila's cell. He stated that he saw the suspect raise his arm above his head, holding on to what appeared to be a slashing device. He said the suspect then reached out and attempted to "slash" Deputy Orlandos. Deputy [redacted] stated that he then pressed his shield against the suspect, preventing the suspect from harming any deputies.

Deputy [redacted] stated that the suspect used his size and weight, and pushed the shield away. He said he then heard the sergeant direct Deputy [redacted] to fire another ARWEN round at the suspect. He said that the two ARWEN rounds fired by Deputy [redacted] did not have any effect on the suspect, who continued his attack on deputies. He said that when the suspect pushed his shield away, he (Avila) was able to cut his [redacted] forearm with the weapon. He stated that he again used his shield to push the suspect back, who had focused his attack on Deputy Orlandos.

Deputy [redacted] stated that the suspect fell to the ground and rolled to his left side. He said the suspect's actions caused his [redacted] left leg to be "pinned" underneath the suspect, causing sharp pain. He said he was able to free his leg from underneath the suspect, as the other deputies attempted to control the suspect's hands. He said the suspect "thrashed" his legs, causing the sergeant to order the deputies to place a Hobble Restraint on his legs. He said the suspect was then handcuffed and carried off the row.

Deputy [redacted] concluded his report by stating that he did not use or witness any other force.

Deputy Frank Quintana, #[redacted] was interviewed on October 16, 2013, at 1436 hours by Internal Affairs Bureau Sergeants Carlos Flores and David Ladjevic. The interview was conducted at the Internal Affairs Bureau, and was digitally audio recorded. Deputy Quintana was represented by Attorney Omkar Ranade.

Deputy Quintana stated that he authored a Supplemental Report, documenting the event and his actions (**Exhibit D, Page 22**). He said his report is a full, complete and accurate account of the incident.

Deputy Quintana stated that on March 29, 2013, he was assigned as the "recreation deputy" for Modules 2600/2800. He said that he was directed by Sergeant Rojas to be part of the Red Extraction Team, and he responded to a briefing conducted in the 2000 Floor Briefing Room. He said that during the briefing he was advised that a deputy had been "gassed," earlier in the day, by Suspect Avila. He said that at the briefing he was also given the assignment of "Capture Deputy."

Deputy Quintana stated that at the conclusion of the briefing the team responded to Suspect Avila's cell in Module 1750. He said that Sergeant Rojas ordered the suspect to surrender his hands and be handcuffed. He said the sergeant ordered the suspect several times, but the suspect would not comply. Deputy Quintana said that Sergeant Rojas then warned the suspect that he would be sprayed with Oleoresin Capsicum

(OC), but the suspect would still not comply. He said Deputy [redacted] then sprayed OC into Suspect Avila's cell.

Deputy Quintana said that Sergeant Rojas ordered that the suspect's cell gate be opened half way. He said that when the cell gate opened, the suspect reached out with his right hand and attempted to "slice" deputies with a jail made weapon (shank). He said that the suspect assaulted the deputies, while at the same time pushing his way out of his cell. Deputy Quintana said that the two shield deputies ([redacted] and Orlandos) attempted to pin the suspect's arms against the cell door. He said they were successful but only momentarily, as the suspect continued his assault.

Deputy Quintana said he assisted Deputy [redacted] by pushing the shield against Suspect Avila. He said that his efforts were not successful, as the suspect was able to free his arm and continue trying to stab deputies. Deputy Quintana said the shank was tied around the suspect's wrist so that he (suspect) was able to maintain control of it. He said that due to the suspect's size and strength, he was able to exit his cell. He said that when the suspect exited his cell, he heard Sergeant Rojas order the TASER to be deployed.

Deputy Quintana said he saw Deputy [redacted] deploy the TASER, and it appeared that the prongs struck the suspect's shoulder. He said the TASER was ineffective, as the suspect did not "freeze up." He said that the other deputies were then somehow able to get the suspect down to the floor. Deputy Quintana said that once the suspect was on the floor, he (Quintana) placed his right knee on his back, and left forearm on the back of his head. He said he utilized that tactic in order to subdue the suspect and keep him down. He said the suspect continued to swing the shank with his right hand, and was able to cut his (Quintana) right pinky finger.

Deputy Quintana said that he then took control of the suspect's left hand. He said he then heard Deputy Solomua order the suspect to drop the weapon and to stop fighting. He said the suspect would not comply and he continued to swing the shank, attempting to strike the deputies. Deputy Quintana said he then saw Deputy Solomua punch the suspect on the left rib area. He said Deputy Solomua punched the suspect approximately four times. He said he (Quintana) placed the suspect's left hand behind his back, and Deputy Allen placed a handcuff on it. Deputy Quintana said he then heard the TASER being activated for a second time. He said the TASER was activated due to the fact that the suspect refused to surrender his right hand.

Deputy Quintana said that shortly after the second activation of the TASER, the suspect surrendered his right hand, and he was handcuffed. Deputy Quintana said he did not see any other deputy, besides Solomua, punch the suspect. He said he did not see anyone kick the suspect. Deputy Quintana said he does not know how the suspect sustained the broken arm. He said that when he took control of the suspect's arm, he did not hear or feel it break.

IAB Note: A Photograph of Deputy Quintana's injury is included in this case book. See **Exhibit K**. During his interview, Deputy Quintana was shown the two video recordings of the extraction (**Exhibit I**).

For his complete statement, refer to Deputy Quintana's interview transcript.

Deputy Sonny Solomua, #[redacted] was interviewed on September 30, 2013, at 1340 hours, by Internal Affairs Bureau Sergeants Carlos Flores and Slade Carrizosa. The interview was conducted at the Internal Affairs Bureau, and was digitally audio recorded. Deputy Solomua was represented by Attorney Omkar Ranade.

Deputy Solomua stated that he authored a Supplemental Report, documenting the event and his actions (**Exhibit D, Page 27**). He said his report is a full, complete and accurate account of the incident.

Deputy Solomua stated that on March 29, 2013, he was assigned to the 3500/3700 Module. He said that the Red Extraction Team was activated, which he had previously been assigned to. He said he responded to the 2000 Floor Briefing Room, where he was given the assignment of "Capture Deputy Three." He said the team was advised that Suspect Avila had assaulted a deputy earlier in the day, and the decision to move him from Module 1750 had been made.

Deputy Solomua said that at the conclusion of the briefing, the extraction team members responded to Suspect Avila's cell in Module 1750. He said Sergeant Rojas ordered the suspect to allow the deputies to handcuff him, but the suspect refused. He said he does not know how many times the sergeant gave that order, but he remembered hearing it more than once. He said that the suspect did not give any indication that he was going to comply.

Deputy Solomua said that Deputies Orlandos and [redacted] put their shields against the suspect's cell gate, and Sergeant Rojas ordered that Oleoresin Capsicum (OC) be sprayed inside the cell. He said Deputy [redacted] sprayed OC in the suspect's cell through the gate slot. He said that the suspect had covered the inside of cell with sheets, and there was Plexiglas on the cell bars. He said that the use of the OC was ineffective, as the suspect continued to refuse to be handcuffed. He said the sergeant then ordered the suspect's cell door to be opened half way.

Deputy Solomua stated that as the suspect's cell door was opened, Sergeant Rojas ordered Deputy [redacted] to fire the ARWEN at the suspect. He said he heard the ARWEN fired, but did not see where the round went. He said he was not sure if the suspect was struck with the round. He said the ARWEN was ineffective, as Suspect Avila forced the cell gate opened, and attempted to exit his cell.

Deputy Solomua said that as the suspect partially exited his cell, he saw that the suspect was holding a jail made weapon (shank) in his hand. He said the suspect was attacking Deputy Orlandos, in an overhead stabbing type motion. Deputy Solomua

stated that he believed the suspect was attempting to stab the deputies, and he was scared for the safety of his partners.

Deputy Solomua said he saw Deputies Orlandos and [redacted] "pin" the suspect's hand and shank against the cell gate, utilizing their shields. He said he then saw that it appeared that they were losing control of the suspect's hand. He said he then punched the suspect one time in the face. He said the punch was ineffective, as the suspect continued his assault on the deputies. He said the suspect then fully exited his cell and came onto the row. Deputy Solomua said he then heard the sergeant order a deputy to deploy the TASER. He said he saw Deputy [redacted] fire the TASER, and heard it activate, but did not know if the TASER prongs struck the suspect. He said he heard the TASER activate only one time.

Deputy Solomua said he took hold of the suspect's shoulder area and began to pull the suspect down. He said that with the assistance from the other team members, they were able to take the suspect down to the floor. He said the suspect was taken to the floor in order to better control him and handcuff him. Deputy Solomua said the suspect landed facedown, and he (Solomua) immediately placed his right knee on the left side of the suspect's back. He said he placed his knee on the suspect in order to keep the suspect from getting back up. He said the tactic was effective, as the suspect was unable to get back to his feet.

Deputy Solomua stated that while putting his knee on the suspect's back, he saw that the suspect still had the weapon in one of his hands. He said he heard several deputies order the suspect to release the weapon, but the suspect refused to comply. Deputy Solomua said he struck the suspect on the left side of his upper torso, utilizing his left knee. He said he struck the suspect several times, but could not recall exactly how many times. He said he struck the suspect in the hopes that he would release the weapon from his hand.

Deputy Solomua stated that his knee strikes were ineffective, as the suspect refused to release the weapon. He said he then transitioned and began punching the suspect, utilizing his right fist. He said he struck the suspect several times in the left side of the upper torso, but could not recall exactly how many times he struck him. Deputy Solomua stated that he believed the punches were effective, as he saw that the suspect released the weapon from his hand. He said he then took hold of the suspect's left hand and forced it behind his back. He said he had to force the suspect's hand behind his back due to the suspect's continuous resistance. He said the suspect's left hand was handcuffed. He said the suspect's right hand was subsequently controlled and handcuffed as well.

Deputy Solomua stated that he did not observe any other deputy punch or kick the suspect. He said he did not feel the suspect's left arm break when he forced it behind his back, and does not know how the suspect sustained that injury. Deputy Solomua said he was not injured during the incident.

IAB Note: During his interview, Deputy Solomua was shown the two video recordings of the extraction (**Exhibit I**). It was pointed out to him that on the recording from the E Row Camera, it appears that he might have kicked the suspect when he was taken down to the floor (**At 3:40 of the recording**). Deputy Solomua stated that when the suspect landed on the floor, he (Solomua) lost his balance. He said he believes he was trying to regain his balance and reposition his weight, but did not kick the suspect. He said that all the force he used was articulated in his report.

For his complete statement, refer to Deputy Solomua's interview transcript.

SUSPECT'S STATEMENTS:

Suspect Avila was transported, via ambulance, to the Los Angeles County Medical Center (LCMC). Deputy Gabriel Campos, #[redacted] rode in the ambulance with Suspect Avila during the transport. During that time, Suspect Avila made several statements to Deputy Campos, and subsequently to Sergeant John Glynn, #[redacted] who also responded to LCMC.

During the transport, Suspect Avila told Deputy Campos that he was upset with the Jail Mental Evaluation Team for wanting to transfer him to the Twin Towers Correctional Facility. Suspect Avila said that he was going to do "what he had to do" in order to stay in his cell, in Module 1750.

Upon arriving at LCMC, Suspect Avila told Deputy Campos how he had fashioned the weapon that he utilized to attack the deputies. Suspect Avila stated that he used an Inmate Complaint Form, two pencils, thread from bedding, and a razor to manufacture the weapon. He described the weapon as an "X-Acto Knife." He also stated that he had tied the weapon around his hand in order to control the weapon and not lose grip. He stated several times that he was determined to fight the deputies. Suspect Avila asked Deputy Campos, "Did I get anybody," referring to the deputies that had been involved in the extraction, and if he had injured any of them.

IAB Note: An "X-Acto Knife" is a cutting tool/precision knife, utilized for crafts and other applications. It is generally extremely sharp. Deputy Campos video recorded Suspect Avila's transport to LCMC. The suspect's statements were also recorded. A DVD, containing the recordings is included in this case book. See **Exhibit E**. There are two recordings included on one disc. Deputy Campos also documented his contact with Suspect Avila in a Supplemental Report (**Exhibit E, Page 3**).

REVIEW OF TRANPORT VIDEO RECORDINGS:

Internal Affairs Bureau Sergeant Carlos Flores reviewed the video recording of Suspect Avila's transport to LCMC. In the recording Suspect Avila is seen being transported from the MCJ Clinic to the ambulance. He then begins making statements to Deputy Campos and Sergeant Glynn.

On Recording Number One (File Number M2UO1013.mpg, approximately 46:11 minutes long):

At 10:22 of the recording, Suspect Avila states that he told the Jail Mental Evaluation Team that if they decide to move him from his cell, he will attack the deputies when they come to get him.

At 12:00 of the recording, Suspect Avila tells the ambulance employee that his arm broke when deputies forced it behind his back.

At 22:30 of the recording, Suspect Avila states that he had warned the staff that any attempts to move him would result in him (Avila) attacking staff.

At 24:30 of the recording, Suspect Avila states that he "went right at them (deputies) from my cell." He states that the deputies shot him with the, "40," but that still did not work. He states that the rounds, "bounced off my fat."

At 25:00 of the recording, Suspect Avila explains how he manufactured the weapon he utilized against the deputies. He stated that he utilized pencils, razors, and string. He said he used the weapon to defend himself.

At 25:27 of the recording, Suspect Avila asks if he "got any of them (deputies) with it." He states that he tried to "slice them up, and go through their helmets."

At 41:48 of the recording, Suspect Avila addresses Sergeant Glynn. He (Avila) advised Sergeant Glynn that the extraction occurred because the Jail Mental Evaluation Team ordered him moved from his cell. He told Sergeant Glynn that he had told staff that a move from his cell would result in an attack on deputies. He stated that he would "go full force" at the deputies. He stated that he was "glad" he did it, and will do it again when his arm heals. He additionally stated that he did not care if he received a 25 year to life sentence for his actions.

On Recording Number two (File Number M2UO1014.mpg, approximately 3:20 minutes long):

During the entire recording, Suspect Avila explains how he fashioned and manufactured the jail made weapon (shank). Suspect Avila described the weapon as an "X-Acto Knife."

Suspect Avila was interviewed by Internal Affairs Bureau Sergeants Carlos Flores and John Trani on May 29, 2013, at 1235 hours. The interview was conducted at the Twin Towers Correctional Facility (TTCF), where Suspect Avila was housed. The interview was digitally audio recorded.

IAB Note: Due to Suspect Avila's continuous threats of assault on staff, he was interviewed while secured inside his cell.

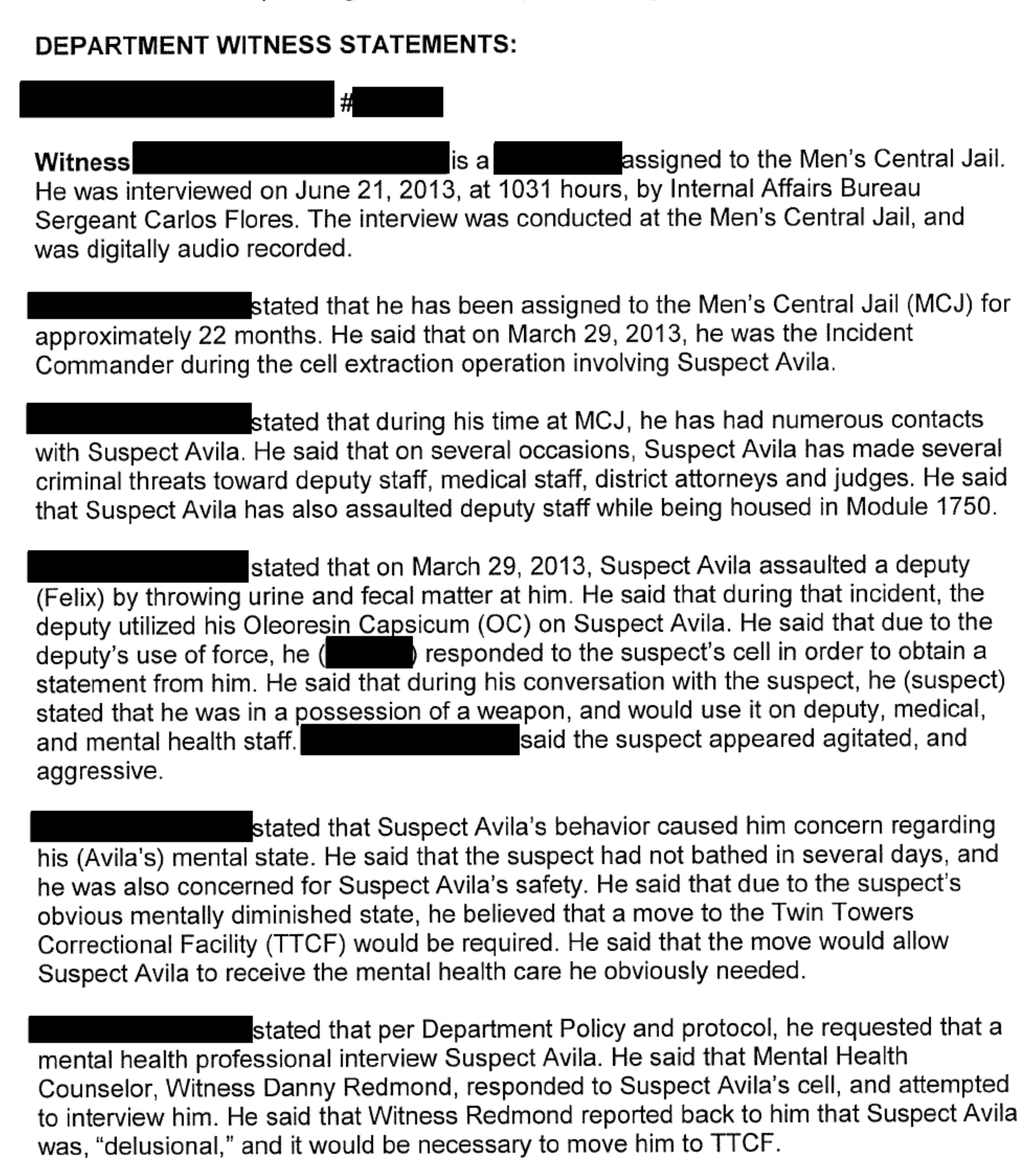
Suspect Avila stated that on March 29, 2013, he was told by staff that due to the amount of discipline "write ups" that he had received, he needed to be interviewed by the Jail Mental Evaluation Team (JMET). Suspect Avila stated that he advised Commander Pietrantoni and [redacted] that he would not take part in an interview with JMET, unless they presented him with a court order. He said that when the JMET member (Witness Redmond) responded to his cell, he (Avila) told him that he did not have to talk to him. He said that had the staff provided him with a court order to submit to an interview with the mental health staff, he would have complied voluntarily.

Suspect Avila stated that on March 29, 2013, nobody asked him to exit his cell voluntarily. He said that the extraction team did not give him the opportunity to voluntarily allow himself to be handcuffed. He said that Sergeant Rojas told him that they needed to extract him from his cell, in order to medically clear him. Suspect Avila stated that he was not suicidal and believes that the extraction was not reasonable. He said he did not want to exit his cell because he had over 50 dollars of commissary (food items), and he wanted to consume it before exiting the cell.

Suspect Avila stated that when he was told that they were going to extract him, he said he would defend himself. He said the deputies sprayed his cell with Oleoresin Capsicum, and then opened the cell door. He said the deputies attempted to spray him with OC for approximately one minute, but he (Avila) blocked his cell, hampering their efforts. Suspect Avila said he came out of his cell and defended himself. He said he defended himself because he had a reasonable fear for his safety.

IAB Note: When asked how he defended himself, Suspect Avila stated, "The best way I could." When asked to elaborate, he refused. He was also asked if he had a weapon in his possession when he exited the cell, and did he use a weapon against the deputies. Suspect Avila stated that he had a "tool" in his hand that would help him from getting injured. He said he used the "tool" to defend himself.

Suspect Avila stated that the deputies took him down to the floor by punching him and utilizing the TASER. He said they also utilized the "40" (40mm/Arwen) twice, striking him in the right side of his upper torso. He stated that he took several punches to the face and head, which resulted in him being "knocked out." He said that they then twisted his arm behind his back, causing it to break. He said that had the deputies not twisted and broken his arm, he would not have had any other injury. Suspect Avila then stated that



he sustained a bruise to his leg, when deputies stood on his legs with their boots. Suspect Avila did not claim any other injury or complain of any other pain.

IAB Note: Suspect Avila stated that if he is not transferred from TTCF, he is planning similar action (assaults) against staff.

DEPARTMENT WITNESS STATEMENTS:

[redacted] #[redacted]

Witness [redacted] is a [redacted] assigned to the Men's Central Jail. He was interviewed on June 21, 2013, at 1031 hours, by Internal Affairs Bureau Sergeant Carlos Flores. The interview was conducted at the Men's Central Jail, and was digitally audio recorded.

[redacted] stated that he has been assigned to the Men's Central Jail (MCJ) for approximately 22 months. He said that on March 29, 2013, he was the Incident Commander during the cell extraction operation involving Suspect Avila.

[redacted] stated that during his time at MCJ, he has had numerous contacts with Suspect Avila. He said that on several occasions, Suspect Avila has made several criminal threats toward deputy staff, medical staff, district attorneys and judges. He said that Suspect Avila has also assaulted deputy staff while being housed in Module 1750.

[redacted] stated that on March 29, 2013, Suspect Avila assaulted a deputy (Felix) by throwing urine and fecal matter at him. He said that during that incident, the deputy utilized his Oleoresin Capsicum (OC) on Suspect Avila. He said that due to the deputy's use of force, he ([redacted]) responded to the suspect's cell in order to obtain a statement from him. He said that during his conversation with the suspect, he (suspect) stated that he was in a possession of a weapon, and would use it on deputy, medical, and mental health staff. [redacted] said the suspect appeared agitated, and aggressive.

[redacted] stated that Suspect Avila's behavior caused him concern regarding his (Avila's) mental state. He said that the suspect had not bathed in several days, and he was also concerned for Suspect Avila's safety. He said that due to the suspect's obvious mentally diminished state, he believed that a move to the Twin Towers Correctional Facility (TTCF) would be required. He said that the move would allow Suspect Avila to receive the mental health care he obviously needed.

[redacted] stated that per Department Policy and protocol, he requested that a mental health professional interview Suspect Avila. He said that Mental Health Counselor, Witness Danny Redmond, responded to Suspect Avila's cell, and attempted to interview him. He said that Witness Redmond reported back to him that Suspect Avila was, "delusional," and it would be necessary to move him to TTCF.

[redacted] stated that based on Witness Redmond's assessment, coupled with the suspect's threats to staff and claim of possessing a weapon, he ([redacted]) made a decision to move the suspect to TTCF. Lieutenant Alvarez said that suspect Avila was advised of the move and asked if he would submit to the move voluntarily. He said that at one point Commander Pietrantoni also contacted the suspect and asked him to cooperate and submit to the transfer to TTCF. [redacted] stated that all efforts to have Suspect Avila cooperate were met with negative results. He said that based on Suspect Avila's refusal to cooperate, a decision to extract him was made.

[redacted] stated that per Department Policy, he advised the Unit Commander, Captain Ralph Ornelas, #[redacted] of the need to extract Suspect Avila. He said that Captain Ornelas approved the extraction, but advised him that due to a family emergency he could not be present. [redacted] stated that Commander Pietrantoni was also advised of the need to extract, and he (Pietrantoni) too approved the extraction.

[redacted] stated that a briefing was conducted prior to the extraction. He said that during the briefing the sworn staff was given the reasons for the need to extract Suspect Avila. He said the staff were also given assignments and explained what their roles would be during the extraction. [redacted] stated that Sergeant Jesus Rojas was assigned as the extraction Team Leader, and several deputies were assigned on the extraction team. [redacted] also stated that Sergeant Lucia Auner was given the assignment of Safety Officer.

IAB Note: The briefing was conducted in the 2000 floor briefing room, and was video recorded. A copy of the recording is included in this case book. See **Exhibit B**.

[redacted] stated that at the conclusion of the briefing, the team responded to Module 1750. He said he ([redacted]) responded to the, "catwalk" area, and observed the operation from there. He said that Sergeant Rojas gave Suspect Avila another opportunity to cooperate and move out of the cell voluntarily, but he again refused. [redacted] said he then saw that Oleoresin Capsicum (OC) was deployed, but due to the suspect placing sheets in front of his cell, and the Plexiglas attached to the cell, the OC was ineffective. He said that Suspect Avila was continuously given orders to voluntarily allow himself to be handcuffed, but he refused.

[redacted] said he saw that the cell gate opened, and Suspect Avila exited the cell. He said Suspect Avila began swinging his arm in an up and down motion, assaulting the deputies. He said he did not realize, until after the incident had concluded, that the suspect had a weapon in his hand as he attacked the deputies. He said the deputies were able to take the suspect down to the floor, but due to the amount of deputies on the row, he was unsure how that was done. He said the suspect continued to resist and fight them even after being taken down to the floor.

[redacted] stated that when the suspect went down to the floor, he ([redacted]) and the safety officer, Witness Sergeant Auner, walked to the front of the module. He said he was then not in a position to see what was occurring on the row. He said that from what he observed, the deputies' actions were appropriate, and they conducted themselves in a professional manner. He said that though the suspect sustained a broken arm, he had very little other injuries. He said that though the suspect attacked the deputies with an edged weapon, the deputies showed an exemplary amount of self control. [redacted] said that at the conclusion of the incident, Suspect Avila was immediately treated for his injuries.

> **IAB Note:** During his interview [redacted] was shown a copy of a completed "Use of Force Extraction Incident Analysis Review," and a "Watch Commander Check-Off List." [redacted] confirmed that he completed both documents, as required by Department Policy. Copies of both documents are included in this case book. See **Exhibit B, Pages 1 and 4**. An Operations Plan was also completed, though not required by Department Policy for cell extractions. A copy of the plan is also included, See **Exhibit B, Page 17**.

For his complete statement, refer to Witness [redacted] interview transcript, which is included in this case book

Lucia Auner, Sergeant, #[redacted]

Witness Sergeant Lucia Auner is a Sergeant assigned to the Men's Central Jail. She was interviewed on June 24, 2013, at 1227 hours, by Internal Affairs Bureau Sergeant Carlos Flores. The interview was conducted at the Men's Central Jail, and was digitally audio recorded.

> **IAB Note:** On the date of the incident, Sergeant Auner was still using [redacted] name of Chavez. She has since changed it to her [redacted] name.

Sergeant Auner stated that on the day of the incident, she was not involved in any of the decisions to conduct the extraction of Inmate Avila. However, she stated that she was given an assignment as the Medical Escort Safety Sergeant. She said she was given the assignment during an operation briefing she attended. She said that her responsibility was to ensure that medical attention would be readily available, if needed, for the suspect or deputy staff. Sergeant Auner said that she had three deputies assigned to her team. She said she also had several nurses and a doctor standing close by during the operation, but out of view.

Sergeant Auner stated that when the extraction operation began, she took a position in the E Row "catwalk," in Module1750. She said she was able to observe the extraction team approach Suspect Avila's cell, but was unable to hear what was being said.

Witness Auner stated that she observed Deputy [redacted] deploy Oleoresin Capsicum (OC), attempting to spray Suspect Avila. She said the suspect had placed blankets in front of his cell, causing the OC to be ineffective.

Sergeant Auner said she saw Suspect Avila's cell gate open slightly, and the suspect forced it completely open. She said Suspect Avila then, "rushed" out of the cell, with a "jail made shank in his right hand." She said she then saw the suspect attacking the deputies with the weapon, in a downward, "hammer type motion." Sergeant Auner stated that based on the suspect's actions, she formed the opinion that he was attempting to kill one of the deputies.

Sergeant Auner said the deputies struggled with the suspect, eventually taking him down to the floor. She said that prior to the suspect going to the floor; she heard the ARWEN being utilized and the TASER as well. She said it was Deputy [redacted] who utilized the ARWEN, and she believes she heard it fired twice, but was not sure if the suspect had been struck with the rounds. She said it then appeared that the ARWEN malfunctioned. Sergeant Auner said she saw Deputy [redacted] utilize the TASER, but is not certain how effective that weapon was. She said she did not witness the deputies punching the inmate, and she is not certain how the suspect and the deputies ended up on the floor.

Sergeant Auner stated that when she saw the suspect go down to the floor, she walked out of the "catwalk," and joined her team at the module entrance. She said that once she left the "catwalk," she could no longer see what was occurring. She said she believes the deputies struggled with the suspect for approximately two minutes. She said that from what she observed, it appeared the deputies had a great deal of difficulty restraining the suspect. She said she did not observe any inappropriate actions by the deputies, and described the suspect's actions as extremely violent. Sergeant Auner said she did not observe any deputies punch or kick the suspect.

> **IAB Note:** At the conclusion of the extraction operation, Sergeant Auner authored a Supplemental Report. She stated that her report is a complete and truthful account of her observations and actions. A copy of her report is included in this case book. See **Exhibit E, Page 1**.

For her complete statement, refer to Witness Sergeant Auner's interview transcript, which is included in this case book

Samuel Carranza, Deputy Sheriff

Witness Deputy Samuel Carranza, #[redacted] was interviewed on October 17, 2013, at 1022 hours, by Internal Affairs Bureau Sergeants Carlos Flores and David Bly. The interview was conducted at the Men's Central Jail, and was digitally audio recorded. Deputy Carranza was represented by Attorney Omkar Ranade.

Deputy Carranza stated that he authored a Supplemental Report, documenting the event and his actions (**Exhibit D, Page 8**). He said his report is a full, complete and accurate account of the incident.

Deputy Carranza stated that on March 29, 2013, he was working Module 2500/2700. He said that he was directed to respond to the 2000 Floor briefing room, where he was told that he would be part of the extraction team. He said that during the briefing he was given the assignment of "Video Deputy." Deputy Carranza stated that his responsibility was to video record the incident.

Deputy Carranza said that during the briefing he was advised that earlier that day the suspect had "gassed" a deputy. He said that at the conclusion of the briefing the extraction team responded to Suspect Avila's cell in Module 1750. He said Sergeant Rojas then gave the suspect several orders to allow himself to be handcuffed. Deputy Carranza said that though it was difficult to hear the suspect, it was obvious he was not complying with the sergeant's orders.

Deputy Carranza said that the sergeant then directed Deputy [redacted] to spray Oleoresin Capsicum (OC) into the suspect's cell. He said Deputy [redacted] attempted to spray through the gate slot, but the suspect had blocked that area. He said Deputy [redacted] also attempted to spray through a crevice on the upper left hand corner of the cell gate. He said the use of the spray was ineffective, as the suspect continued to defy orders and would not allow the deputies to handcuff him.

Deputy Carranza said Sergeant Rojas ordered that the cell gate be partially opened. He said that when the gate began to open, Suspect Avila managed to push the gate fully open. He said that as the suspect began to exit the cell while holding a jail made weapon (shank) in his right hand. He said the suspect was swinging the shank, attempting to strike the deputies. Deputy Carranza said he heard the sergeant direct Deputy [redacted] to deploy the ARWEN. He said he is certain that the ARWEN was used at least one time, but does not know if the round struck the suspect. He said the use of the ARWEN was ineffective, as the suspect continued his assault, and completely exited his cell.

Deputy Carranza said that he is uncertain what technique the deputies utilized, but he saw that the deputies were able to get the suspect down to the floor. He said that as they all went down to the floor, the suspect continued to struggle. He said he heard the deputies ordering the suspect to give up his hands. Deputy Carranza said he does not remember seeing any deputy punch or kick the suspect, nor does he remember seeing the TASER being used. Deputy Carranza said he was so focused on capturing the incident on video, he could not focus on the force being utilized by the deputies. He said that after a short struggle on the floor, the deputies were finally able to handcuff him.

IAB Note: During his interview, Deputy Carranza was shown the video recordings of the extraction (**Exhibit I**).

For his complete statement, refer to Witness Deputy Carranza interview transcript.

Sterling Haley, Deputy Sheriff, #[redacted]

Witness Deputy Sterling Haley is a Deputy assigned to the Men's Central Jail. He was interviewed on September 27, 2013, at 1125 hours, by Internal Affairs Bureau Sergeants Carlos Flores and Romeo Ingreso. The interview was conducted at the Internal Affairs Bureau, and was digitally audio recorded. Deputy Haley was represented by Attorney Omkar Ranade.

Deputy Haley stated that he authored a Supplemental Report, documenting the event and his observations (**Exhibit E, Page 7**). He said his report is a full, complete and accurate account of the incident.

Deputy Haley stated that on March 29, 2013, he attended the briefing on the 2000 floor, in regards to Suspect Avila's cell extraction. He stated that during that briefing he was assigned to the Medical Response Team under the direction of Sergeant Chavez (Sergeant Auner). He stated that his responsibility was to escort Suspect Avila to receive medical attention, if it was needed after the extraction.

Deputy Haley stated that at the conclusion of the briefing, he responded to the "staging area" in Module 1750. He stated that he initially did not enter E row, but saw the extraction team enter. He said he did not observe the team's initial contact with Suspect Avila, or when Suspect Avila exited his cell.

Deputy Haley stated that he heard Sergeant Rojas request the Hobble Restraint and the Spit Mask. He stated that he was in possession of those items, so he ran into E Row to provide them to the team. He said that as he entered the row he saw the suspect and the deputies on the floor. Deputy Haley said the suspect was flailing his arms and kicking his legs, refusing to comply with the deputies' orders to stop fighting.

Deputy Haley said he gave the Hobble Restraint to Deputy [redacted] and he (Haley) put the Spit Mask on Suspect Avila's head. He stated that Suspect Avila was moving his body and head, which made it difficult to apply the spit mask. He said that shortly after the Spit Mask was applied, the suspect was handcuffed and escorted off the row. Deputy Haley said that he observed the deputies' trying to control the suspect, but did not see any deputy punch or kick the suspect. He said he did not observe the use of OC, ARWEN or TASER.

IAB Note: During his interview, Deputy Haley was shown the video recording of the extraction, recorded by the closed circuit camera located on E Row. (**Exhibit I**).

For his complete statement, refer to Witness Deputy Haley's interview transcript, which is included in this case book

Christopher Hernandez, Deputy, #[redacted]

Witness Deputy Christopher Hernandez is a Deputy assigned to the Men's Central Jail. He was interviewed on October 16, 2013, at 1345 hours, by Internal Affairs Bureau Sergeants Carlos Flores and Romeo Ingreso. The interview was conducted at the Internal Affairs Bureau, and was digitally audio recorded. Deputy Hernandez was represented by Attorney Omkar Ranade.

Deputy Hernandez stated that he authored an Incident Report, documenting the event and his observations (**Exhibit C**). He said his report is a full, complete and accurate account of the incident

Deputy Hernandez stated that on March 29, 2013, he was assigned to the Operations Safe Jails Unit. He said that while on duty he heard on the radio that the Red Extraction Team was responding to the 2000 Floor. He said that he also responded, out of curiosity. He said that at the briefing he heard that Suspect Avila had assaulted a deputy earlier in the day, and had stated that he was in possession of a weapon.

Deputy Hernandez stated that at the conclusion of the briefing, the extraction team responded to Module 1750. He stated that he also responded, and took a position in the "catwalk;" the observation corridor for E Row. Deputy Hernandez said he could see what was occurring, but could not hear what, if anything, was being said. He said he saw the extraction team members approach the suspect's cell, but could not hear their conversation.

Deputy Hernandez said he then saw Deputy [redacted] spray Oleoresin Capsicum (OC) into the suspect's cell. Deputy Hernandez said the use of the OC was ineffective, as Suspect Avila refused to comply with the deputies' directions, and remained "barricaded" in his cell. Deputy Hernandez said he saw that the suspect's cell gate opened, and the suspect appeared with his hand (unknown which hand) above his head. He said he saw that the suspect had a jail made weapon in his hand, and he was making "downward slashing motions" toward Deputy Orlandos. Deputy Hernandez said that based on his observations, he believed the suspect was trying to cut Deputy Orlandos' Carotid Artery.

Deputy Hernandez said he saw Deputy Orlandos and Deputy [redacted] attempt to pin the suspect's hand. He said the tactic was ineffective, as Suspect Avila was able to overpower the deputies and exit the cell. He said that he then heard that the ARWEN was fired one or two times, but he did not actually see it fired. He said that the use of the ARWEN was also ineffective, as the suspect continued to assault the deputies.

Deputy Hernandez said he heard that the TASER was activated, but did not see it, and did not know who deployed it. He said that seconds after he heard the TASER, he saw the deputies take the suspect down to the floor. Deputy Hernandez said that once the suspect and deputies went down to the floor, he (Hernandez) was unable to see what was occurring. He said that the position that he had taken, coupled with the layout of the

"catwalk," made it difficult to see anything further. He said that when he again saw the suspect, he (suspect) was handcuffed and being taken off the row.

Deputy Hernandez said that during the portion of the incident he witnessed, he did not see any deputy punch or kick the suspect.

IAB Note: During his interview, Deputy Hernandez was shown the video recording of the extraction, recorded by the closed circuit camera located on E Row. (**Exhibit I**).

For his complete statement, refer to Witness Deputy Hernandez' interview transcript, which is included in this case book

Rene Madrid, Deputy, #[redacted]

Witness Deputy Rene Madrid is a deputy assigned to the Men's Central Jail. He was interviewed on September 27, 2013, at 1156 hours, by Internal Affairs Bureau Sergeants Carlos Flores and Romeo Ingreso. The interview was conducted at the Internal Affairs Bureau, and was digitally audio recorded. Deputy Madrid was represented by Attorney Omkar Ranade.

Deputy Madrid stated that he authored a Supplemental Report, documenting the event and his observations (**Exhibit E, Page 9**). He said his report is a full, complete and accurate account of the incident

Deputy Madrid stated that on March 29, 2013, he attended a briefing in the 2000 floor briefing room, regarding Suspect Avila. He stated that he was told that Suspect Avila needed to be moved from his cell due to an assault on staff, and threats of having a weapon. He said he was also aware that the Jail Mental Evaluation Team had also decided that Suspect Avila required "mental observation." Deputy Madrid stated that he was assigned to the "transport team," under the direction of Sergeant Chavez (Sergeant Auner). He said that his responsibility was to escort Suspect Avila to the clinic after the extraction.

Deputy Madrid stated that at the conclusion of the briefing, he responded to Module 1750. He stated that he did not enter E Row, but rather stayed in the "staging area." Deputy Madrid stated that he saw the extraction team enter the row, but he did not observe their initial contact with the suspect. He said he did not observe when the suspect exited his cell, or when the deputies took him down to the floor. He said he did not observe the ARWEN or TASER being used.

Deputy Madrid stated that as he and the other medical transport team members prepared the gurney, he heard a commotion on the row. He said he looked down the row and saw the suspect and deputies on the floor. He said he heard Sergeant Rojas shouting orders at the suspect, and the deputies appeared to be trying to handcuff him. He said that he then saw the deputies handcuff the suspect, and appeared to place a

Hobble Restraint on his legs. Deputy Madrid said he did not observe any deputy punch or kick the suspect. He said that once the suspect was handcuffed, he was escorted off the row. He said the suspect was then placed on the gurney.

> **IAB Note:** During his interview, Deputy Madrid was shown the video recording of the extraction, recorded by the closed circuit camera located on E Row. (**Exhibit I**).

For his complete statement, refer to Witness Deputy Madrid's interview transcript, which is included in this case book.

Michael Smith, Deputy, #[redacted]

Witness Deputy Michael Smith is a deputy assigned to the Men's Central Jail. He was interviewed on October 10, 2013, at 0900 hours, by Internal Affairs Bureau Sergeant Carlos Flores. The interview was conducted at the Men's Central Jail (MCJ), and was digitally audio recorded. Deputy Smith has been assigned as a Senior Line Deputy at MCJ for approximately four years.

Deputy Smith stated that on March 29, 2013, he was assigned to Module 1750, which had been his regular assignment for approximately one year. He stated that the inmates housed in Module 1750 are categorized to be highly assaultive, and are to be kept away from all other inmates. Deputy Smith said that on March 29, 2013, he was told that Suspect Avila would have to be moved from Module 1750. He stated that he could not remember who gave him that information, or why the decision to move him (Avila) had been made. He said he (Smith) had no involvement in the decision to move Suspect Avila from his cell.

Deputy Smith stated that he was not part of the extraction team, and he did not attend the briefing that was conducted on the 2000 Floor. He stated that when the extraction team responded to Module 1750, he (Smith) was inside the module control booth. He said that after the team walked down E Row, to Suspect Avila's cell, he was asked to hold the row gate open. He said he could not remember who gave him the direction to keep the gate open.

Deputy Smith said he remembered seeing "a crowd" of deputies standing in front of Suspect Avila's cell. He said that he remembered seeing Suspect Avila exit his cell, but does not know how that occurred. He said he recalled seeing the suspect by the doorway of his cell, which he thought was odd, because in most extractions the deputies enter the inmate's cell. Deputy Smith stated that when the suspect exited the cell, he had his arm (unknown if left or right) over his head, and it appeared that he had a weapon in his hand. He said the suspect was very big, and "towered" over the deputies.

Deputy Smith stated that he believed the suspect was attempting to attack the deputies, but the deputies were able to hold his arm up, preventing the suspect to "come down"

with the weapon. Deputy Smith said he had difficulty seeing what was actually happening, due to the amount of deputies on the row. He said that he saw the deputies struggling with the suspect, and then they all (suspect and deputies) eventually ended up on the floor. Deputy Smith said he does not know what caused the suspect and deputies to go down to the floor.

Deputy Smith stated that after he saw the suspect and deputies on the floor, he (Smith) began walking down the row, toward the involved deputies. He said he believed he walked over to them to make sure that the suspect was secured. Deputy Smith said that when he approached the group of deputies, it appeared they were attempting to handcuff the suspect. He said that due to the amount of deputies, he did not have a good visual of the suspect, and could not observe the suspect's actions.

Deputy Smith stated that typically in these situations there is a lot of yelling from the suspect, and the deputies are usually shouting orders. However, he said he could not remember specifically what the deputies and suspect were saying. Deputy Smith stated that he does not recall seeing Oleoresin Capsicum (OC) being used. He said he also does not recall seeing the ARWEN or TASER utilized. He additionally said he does not remember seeing any deputy punch or kick the suspect. Deputy Smith said he was unaware that the suspect had sustained a broken arm, and does not know how that injury occurred. Deputy Smith stated that from what he remembered of the incident, he believed the deputies' actions were appropriate.

IAB Note: During his interview, Deputy Smith was shown the video recording, of the extraction, recorded by the closed circuit camera located on E Row. (**Exhibit I**). He said that on the video he observed that a deputy handed him what appeared to be the suspect's weapon (**At 4:36 of the E Row recording**). He said he eventually handed the weapon to another deputy who was responsible for booking the evidence.

Deputy Smith stated that at the conclusion of the incident, he was given the direction to canvass E Row for possible witnesses. He stated that he and Sergeant Yoell, #[redacted] walked the row and interviewed all of the inmates present in their cells. He said that out of the 10 inmates interviewed; only one said he witnessed the incident. He said that it did not surprise him that the majority of the inmates, including those housed in close proximity to Suspect Avila's cell, said they did not witness the incident. He said inmates typically do not want to provide information to deputies, particularly when it involves another inmate. Deputy Smith stated that he then authored a Supplemental Report, documenting the interviews.

IAB Note: A copy of Deputy Smith's report is included in this case book. See **Exhibit E, Pages 12 and 13**. The interviews conducted by Deputy Smith and Sergeant Yoell were also video recorded. A Compact Disc, containing the recording of the interviews is also included in this case book. See **Exhibit E**.

For his complete statement, refer to Witness Deputy Smith's interview transcript, which is included in this case book.

NON-DEPARTMENT WITNESS

Danny Redmond, Senior Mental Health Counselor

Witness Danny Redmond is a Senior Mental Health Counselor, assigned to the Jail Mental Health Services. He was interviewed on June 21, 2013, at 1135 hours, by Internal Affairs Bureau Sergeant Carlos Flores. The interview was conducted at the Men's Central Jail, and was digitally audio recorded.

> **IAB Note:** Prior to going on record, Witness Redmond stated that due to confidentiality laws, he would not be able to provide specific details of his conversations with Inmate Avila. He stated that he could provide general information regarding his numerous contacts with him.

Witness Redmond stated that he is an employee of the Department of Mental Health, and is currently assigned to the Men's Central Jail. He stated that he is a supervisor in the Jail Mental Evaluation Team, who provide mental health services for the jail inmates.

Witness Redmond stated that over the course of a year, he has had numerous conversations with Suspect Avila. He stated that on the day of the incident he was asked by the Watch Commander, Witness [redacted] to respond to Suspect Avila's cell, and mentally evaluate him. He stated that he was advised that Suspect Avila had announced that he had a weapon in his cell, and the watch commander wanted to assess if there were any, "mental health factors."

Witness Redmond stated that he contacted Suspect Avila at his cell, and made the assessment that he (Avila) was, "altered." He said his assessment was that Suspect Avila was exhibiting behavior that was, "highly disturbed." He stated that the threat of a weapon, coupled with the suspect's mental illness, caused him to recommend a move to the Twin Towers Correctional Facility (TTCF). He stated that the move to TTCF was necessary in order for Suspect Avila to receive proper mental health treatment.

> **IAB Note:** During his interview Witness Redmond was shown a copy of the "Behavioral Observation and Mental Health Referral." Witness Redmond confirmed that he had completed Section Six of the form, indicating that Suspect Avila required, "a higher level of care than available at MCJ." See **Exhibit B, Pages 15 and 16**.

For his complete statement, refer to Witness Redmond's interview transcript, which is included in this case book.

[redacted] Los Angeles County Jail Inmate, Booking Number [redacted]

IAB Note: Shortly after the incident occurred, Sergeant Bruce Yoell, #[redacted] and Michael Smith, #[redacted] interviewed the inmates housed on E Row, to ascertain if they had witnessed the incident. One inmate, [redacted] stated that he witnessed the incident, and gave a statement. Witness [redacted] was inside Cell [redacted] when the incident occurred. His view from inside the cell would have been partially obstructed, but he related what he saw and heard. All the other inmates housed on E Row stated that they had not witnessed the incident. Deputy Smith documented their interviews, and the information provided by Witness [redacted] in a Supplemental Report. See **Exhibit E, Page 12**. A printout indicating the inmates' names that were housed on E row is also included. See **Exhibit E, Page 13**. The interviews were also video recorded. A Compact Disc, containing the recording of the interviews, is included in this case book. See **Exhibit E**.

Witness [redacted] stated that he observed a lieutenant speaking with Suspect Avila prior to the extraction. He said he heard several staff members order the suspect to voluntarily allow himself to be handcuffed, but he refused. He said that he saw the deputies use Oleoresin Capsicum, TASER, and the ARWEN. He said it took approximately 10 deputies to remove the suspect from the row. Witness [redacted] said that he has heard Suspect Avila threaten staff on several occasions.

REVIEW OF EXTRACTION VIDEOS:

The extraction was video recorded by two sources. The Module 1750 E Row has a closed circuit camera located above the row gate. The camera records with a slight time lapse, and does not have audio recording capabilities. The extraction team included a "video deputy." Deputy Samuel Carranza was assigned as the "video deputy," and recorded the extraction utilizing a hand held video recorder.

The Internal Affairs Bureau investigator, Sergeant Carlos Flores, reviewed the video recordings from both sources. The following is a brief description of what can be seen on the recordings.

On the E Row camera recording, the extraction team can be seen walking down the row and taking positions in front of Cell Six. After some time has passed, Deputy [redacted] can be seen spraying Oleoresin Capsicum (OC) into the suspect's cell. At **03:24** of the recording, the cell gate can be seen opening. The suspect can be seen exiting the cell, as the deputies attempt to keep him back. The suspect can be seen swinging his hands at the deputies, and Deputy [redacted] can be seen responding and joining the team.

The suspect and the deputies can be seen going down to the floor, and it appears that the deputies are struggling to control the suspect. Due to the amount of deputies surrounding the suspect, it is difficult to see the suspect's actions.

At 04:37 of the recording Deputy [redacted] can be seen handing the suspect's weapon to Deputy Smith. **At 05:56** of the recording, Deputy Haley can be seen approaching the team and handing a deputy a Hobble Restraint. **At 06:20** of the recording the suspect can be seen being removed from the row by the team of deputies.

IAB Note: The video recording from the hand held recorder was downloaded on a computer, and converted to a "Windows Media" file. When played, the file's time changes slightly with each playing, and is not consistent. Thus, all times indicated below are approximate only.

On the recording from the hand held video recorder, Sergeant Rojas can be seen and heard explaining that they will be walking to the suspect's cell in order to contact him. The team is seen responding to the cell, and Sergeant Rojas is heard giving Suspect Avila orders to surrender his hands. The suspect refuses to cooperate.

At 02:07 of the recording the gate slot is opened and Sergeant Rojas again directs the suspect to surrender his hands. Deputy [redacted] is then seen spraying OC into the suspect's cell. Due to the Plexiglas affixed to the cell gates. It appears that Deputy [redacted] is having difficulty in spraying into the cell. It also appears that there are blankets or sheets affixed to the cell's gates inside the cell. Due to the sheets, the suspect cannot be clearly seen.

At 03:25 of the recording, Sergeant Rojas can be heard directing Deputy [redacted] to stop spraying. He can then be heard ordering the suspect again to surrender his hands. Sergeant Rojas can be heard ordering the suspect to surrender his hands several times. **At 04:34** of the recording, Sergeant Rojas can be heard ordering the cell gate half way opened, and the cell door can be seen opened. The suspect is then seen forcing his way out of the cell, and Deputies [redacted] and [redacted] can be seen attempting to keep him back, utilizing the shields.

Sergeant Rojas is then heard ordering Deputy [redacted] to shoot the suspect with the ARWEN. The ARWEN is fired by Deputy [redacted], but it is difficult to see what the rounds strikes. The Sergeant is heard ordering Deputy [redacted] to fire the ARWEN again, and Deputy [redacted] can be seen having difficulty firing the weapon. The suspect and several of the deputies are then seen going down to the floor.

At 04:45 of the recording, Suspect Avila can be seen completely exiting the cell. He can be seen swinging his hands at the deputies. The TASER is then heard activated, but due to the amount of deputies surrounding the suspect, it is difficult to see if the TASER made contact with the suspect. The TASER is heard activated at least for distinct times throughout the incident. Throughout the recording the deputies and the sergeant can be heard shouting orders for the suspect to stop fighting and to surrender his hands.

At 06:02 of the recording, while on the ground it appears that the deputies are struggling to control the suspect. Again, due to the amount of deputies surrounding the suspect, it is difficult to see the suspect's actions. The deputies can be heard telling each other to control the suspect's hands. Deputy Solomua can be seen making punching motions with his right hand, but it cannot be seen if the punches make contact with the suspect. **At 06:15** of the recording, the TASER can be heard once again. The deputies and the sergeant are heard ordering the suspect to surrender his right hand.

At 07:00 of the recording, Sergeant Rojas can be heard telling the deputies to slide the suspect forward. It appears that the suspect's hands have been controlled and handcuffed. However, several deputies can be heard telling the sergeant to, "Hold on." Deputy [redacted] is seen standing on the suspect's legs, in an apparent attempt to control them. Ankle Cuffs appeared to have been placed on the suspect's ankles, but a Hobble Restraint is then utilized **at 07:58** of the recording.

> **IAB Note:** During his interview with Internal Affairs Bureau investigators, Deputy Orlandos stated that during the incident they attempted to place Ankle Cuffs on the suspect. He said that due to the suspect's size, the Ankle Cuffs were ineffective, and a Hobble Restraint was utilized to control his legs.

At 08:25 of the recording, the deputies can be seen taking the suspect off the row. The suspect is taken to the staging area and placed on a gurney. The medical transport team is then seen transporting the suspect to the Men's Central Jail clinic. The video recording continues as the suspect receives treatment at the clinic and is subsequently transported to the Los Angeles County Medical Center.

> **IAB Note:** Both the recordings were downloaded on a DVD included in this case book. See **Exhibit I**. The recording from the E Row camera is approximately 07:11 minutes long, and the hand held camera recording is approximately 1:07:14 minutes long. Video stills are also included. See **Exhibit I**.

SUSPECT'S INJURIES:

Immediately following the incident, Suspect Avila was transported to the Men's Central Jail (MCJ) Clinic. While at the clinic it was determined that the suspect sustained superficial abrasions to his upper arms and back. It was also determined that Suspect Avila had sustained a broken left arm (left Humerus). Due to the broken arm, Suspect Avila was transported to the Los Angeles County Medical Center (LCMC) for further treatment. During his initial examination at the MCJ Clinic, it was discovered that the TASER darts did not puncture the suspect's skin, but rather lodged in his jail jumpsuit shirt.

Suspect Avila was transported to LCMC via ambulance. Sergeant John Glynn, #[redacted] followed the ambulance and subsequently spoke with the treating physician. Sergeant Glynn interviewed Doctor Laura Andrews, and advised her that Suspect Avila had been forcefully extracted from his cell. Doctor Andrews advised him that the abrasions and bruising on Suspect Avila's face, hands, and legs were consistent with having been involved in a fight. She also surmised that the broken arm occurred during the incident, possibly when the deputies attempted to handcuff him.

IAB Note: Sergeant Glynn documented his contact with the treating physician in a Supplemental Report (**Exhibit E, Page 5**). Photographs of the suspect's injuries and medical treatment documentation are also included. See **Exhibit J**.

DEPUTY PERSONNEL INJURIES

During the incident several team members sustained injuries. Deputy Blake Orlandos sustained a laceration on his right forearm. Deputy Frank Quintana sustained a laceration to his right hand. Deputy Daniel Martinez sustained a small laceration on his right index finger. Deputy [redacted] sustained a laceration to his left forearm and an injury to his left knee. All four deputies were treated at White Memorial Medical Center for their injuries.

IAB Note: Deputy [redacted] sustained a torn Anterior Cruciate Ligament (ACL) to his left knee. Due to the injury, Deputy [redacted] has not returned to work. Photographs of the deputies' injuries are included in this case book. See **Exhibit K**.

PHYSICAL EVIDENCE:

No physical evidence was collected by Internal Affairs Bureau investigators. Evidence, including the suspect's weapon, was retrieved by Deputy Personnel, and photographed by Scientific Services Personnel. The scene was also photographed.

IAB Note: Photographs are included in this case book. See **Exhibit I**.

INVESTIGATORS' OBSERVATIONS:

Upon arrival, the Internal Affairs Bureau Investigators examined the scene. The incident occurred in Module 1750, E Row, which is comprised of 15 single man cells. Suspect Avila was extracted from Cell 6. The first six cells have a Plexiglas barrier secured to the cell bars. Each cell contains a "tray slot," which is utilized to provide food and other items to the inmates, and for handcuffing prior to removing from the cell. The "tray slots" are kept closed and locked.

There were several discarded items in front of cell 6 (wrappers, shoe, papers), as well as a sheet and blanket on the floor, at the cell door.

IAB Note: Photographs of the scene were taken by Scientific Services Bureau Deputy Steven Thomas. The photographs are included in this case book. See **Exhibit I**.

WEAPONS USED BY DEPUTY PERSONNEL:

Deputies utilized personal weapons, Oleoresin Capsicum, ARWEN, TASER, and the Hobble Restraint.

IAB Note: The TASER Report is included in this case book. The report indicates that the TASER was activated six times. See **Exhibit H**. During his interview with Internal Affairs Bureau investigators, Deputy [redacted] stated that he only remembered activating the TASER a total of four times. The TASER utilized did not have video capability. Internal Affairs Bureau Sergeant Carlos Flores reviewed the hand held video recording of the incident several times. Though difficult to hear, it appears that there were three TASER activations between 05:16 and 05:30 of the video recording. There appears to be an additional activation at 06:15 of the video recording. See **Exhibit I**.

WEAPONS USED BY SUBJECT:

During the incident Suspect Avila utilized personal weapons, resistance, and an edged weapon (Shank), which he had previously manufactured in his cell.

IAB Note: Photograph of Suspect Avila's weapon is included in this case book. See **Exhibit I**.

PROPERTY DAMAGE:

There was no property damaged during this incident.

CRIMINAL INVESTIGATOR AND CHARGES FILED:

Investigator: Jail Investigations Unit (JIU) - Detective India Inez, #[redacted]

Court: Clara Shortridge Foltz Criminal Justice Center

Charge: 664/187 PC, Attempt Murder of a Peace Officer

IAB Note: On April 30, 2013, the Los Angeles District Attorney's Office, (Crimes Against Peace Officers Unit) filed 23 counts of attempt murder and assaults against Suspect Avila. Case Number BA410376. See **Exhibit L.** On September 10th and 11th, of 2013, a

Preliminary Hearing was conducted. Suspect Avila was held to answer on all 23 felony counts.

WEATHER AND LIGHTING CONDITIONS:

The incident occurred inside the Men's Central Jail, in a well lit module hallway (Module 1750).